HOUSE OF REPRESENTATIVES—*Monday, July 29, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BONIOR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 26, 1991.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on Monday, July 29, 1991.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, eternal God, that Your loving power will bridge the separations that so often prevent individuals and groups from experiencing the blessings of life. May the presence of Your reconciling spirit, gracious God, move aside the alienation and estrangement that so isolates people from each other, and may we instead receive the love and respect and kindness and understanding that are Your gifts to us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. THOMAS] will lead us in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1434. An act to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency for fiscal year 1992, and for other purposes.

The message also announced that pursuant to Public Law 86-380, the Chair, on behalf of the Vice President, appoints Mr. DURENBERGER, to the Advisory Commission on Intergovernmental Relations.

CONGRATULATIONS TO HANK LANDAU ON HIS RETIREMENT

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, a great labor leader and a great American—Hank Landau—will retire on July 31 as CEO and secretary-treasurer of the New York State Building and Construction Trades Council [AFL-CIO].

Hank has served the New York labor movement for 43 years. He rose from the ranks to become president and business manager of his Sheet Metal Workers Local Union 83—offices he held for 18 consecutive years before assuming his present positions.

Throughout his distinguished career, Hank was always there to serve—whether it was New York State government, the Capital Region Technology Development Council, the Capital District Regional Educational Center for Economic Development, or the Northeast New York Alliance of Business.

As a negotiator, he is tough but fair. As an advocate, he is fearless when it comes to protecting or advancing the well-being of all workers—like his fight to preserve the prevailing wage rate, or to win increased workers' compensation benefits, to name just two examples.

I am proud to be Hank Landau's friend. And I know he will continue to serve us in other capacities.

Hank, I wish you and Carol, all the best.

LEGISLATION TO CRACK DOWN ON ILLEGAL DEALING IN MILITARY MEDALS

(Mr. MCCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCANDLESS. Mr. Speaker, no one can put a price tag on bravery and courage, but recently, a growing number of criminals have been putting a price tag on the Congressional Medal of Honor.

Over the last few years, stolen and illegally obtained Medals of Honor have been showing up at gun shows and flea markets around the country, some selling for as little as $500. At several recent Desert Storm parades, frauds have worn these stolen medals and demanded to march with the troops.

The law clearly makes this practice illegal, but the punishment is so tame by today's standards that no one fears prosecution; and thus, the practice spreads.

Today, I am introducing a bill that will recognize the importance we place on the Medal of Honor by upgrading the fines involved for dealing in military medals and closing a loophole being used by criminals to avoid prosecution. I would hope that Congress can act on this legislation to crack down on these practices and reaffirm the integrity and sanctity of the Congressional Medal of Honor.

NOTCH BILL STANDS FOR FAIRNESS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, America's notch babies, are fed up with being shortchanged on their Social Security checks.

In 1977, Congress erred when it passed a Social Security reform package that led to a benefit cut for senior citizens who were born between January 1, 1917 and January 2, 1927. We've waited too long to correct this oversight that is costing almost 12.3 million seniors tens of thousands of dollars in lost benefits. These retirees are now aged 64 to 74, and many of them are finding it hard to survive on fixed incomes.

Mr. Speaker, H.R. 917 is a bipartisan bill that will restore fairness without busting the Federal budget, or jeopardizing the Social Security trust fund. Additional revenues from the trust fund reserve could be used to pay the higher benefits to notch retirees.

According to the Social Security Administration, H.R. 917 will cost roughly $4.6 billion per year through 1999. For notch seniors, or their survivors, that adjustment could mean an increase in benefits of up to $88 per month. The costs of this bill are likely to begin falling by the late 1990's, while the trust fund reserve is expected to surpass the $1 trillion mark by 1999.

These figures confirm that America can afford to provide full benefits to

notch retirees. Therefore, fairness demands that we do so. The time has come to bring H.R. 917 to the floor for a vote so we can resolve this matter.

WHERE ARE THE DEMOCRATS LEADING THE COUNTRY?

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker, here we are, beginning our last week of this session before the month long August recess. Looking over the schedule for the week—put together by the Democrats who run this place—I can see why their party is viewed increasingly as not knowing what they stand for and where they would lead the country.

To listen to the rhetoric one would conclude that the Democrats are out to convince the middle class that they—the Democrats—have their best interests in mind.

Well, let us look at this schedule:

The Flight Attendant Duty Time Act. Great title. But it means higher air fares.

The Intermodal Surface Transportation Infrastructure Act. Another great title. This one means higher gas taxes—actually an increase of over one-third in the Federal gas tax on top of last year's increase of over 50 percent.

And the Dairy Price Support and Inventory Management Act. This, of course, means higher consumer prices for milk and other dairy products.

No wonder the Democrats are having such a tough time winning over the middle class. Frankly, the middle class just cannot afford to have friends like these whose hands are always in their pockets.

THE VIETNAM WAR CONTINUES

(Mr. TRAFICANT asked and was given permission to addresss the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after years of congressional hearings and a decade of Rambo, the Vietnam war goes on.

A recently released photograph of three American MIA's has brought some hope to American families, but the National Security Adviser, Brent Scowcroft says, No. 1, the picture is a phony; No. 2, the Government of Vietnam is trustworthy and would not lie to the United States on this issue; and No. 3, he says he believes that there are no more American MIA's still in Southeast Asia.

□ 1210

Let me caution Congress. I do not know the truth. You do not know the truth. The fact is, only God knows the truth on this issue, and that leaves Brent Scowcroft out of it.

It is time for a full review and investigation. It is time to find out what really is happening over there. Congress should set policy, not a National Security Adviser.

REMOVE SADAM HUSSEIN AND TRY HIM AS WAR CRIMINAL

(Mr. JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Texas. Mr. Speaker, 1 year ago this week Saddam Husein ordered the brutal invasion of Kuwait.

We all agree that coalition forces won a great victory in Operation Desert Storm, but we are now in danger of losing the peace.

President Bush said yesterday that Saddam Hussein is continuing to hide and conceal his capacity to make nuclear weapons. Hussein continues to persecute the Kurdish minority in Iraq, and he still retains the power to strike again.

Mr. Speaker, we owe it to the veterans of Operation Desert Storm, to our citizens, our children, and the future of America, to make sure that Saddam is reined in.

Saddam Hussein must be removed from power in Iraq. Today I repeat my call to the President to develop a delta force team, remove Saddam Hussein, and bring him to trial as a war criminal.

CORRECTING A CONGRESSIONAL MISTAKE ON VISAS FOR VISITING ARTISTS AND PERFORMERS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, Congress made a mistake in 1990, and the best thing to do when you make a mistake is to admit it and to rectify that mistake.

As chairman of the Subcommittee on International Law, Immigration, and Refugees, of the Committee on the Judiciary, I am moving to help Congress correct a mistake we made last autumn. That mistake was to have placed unnecessary and unreasonable limits, sanctions, and restrictions on the entry temporarily of artists, performers, musicians, and people in the cultural community from abroad to perform here in the United States.

Meetings which I have had here in Washington and in meetings I have had back home in Kentucky and Louisville have certainly convinced me that the arts community and arts presenters have made a very persuasive case that these 1990 laws and the regulations which would implement them would prevent the artistic life of our country to go forward.

Mr. Speaker, last week I introduced a bill that would change two categories of the 1990 law, I think in responsible and correct fashion, that would allow foreign artists to come in temporarily, but would at the same time not ignore the fact that there are U.S. artists who are in need of appointments as well.

I invite my colleagues to take a look at that bill and to join me in correcting the error of the 1990 law.

INTRODUCTION OF THE CALIFORNIA PUBLIC LANDS WILDERNESS ACT

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, in 1976 Public Law 94–579 was enacted into law and created that which has been known as the Federal Land Policy and Management Act. As that bill was passed, the Los Angeles Times in 1980 said:

> The plan appears to protect the interests of preservationists while recognizing needs of minors, ranchers, and utility groups. It is a balanced plan. No one will be entirely happy with it, and that's a good sign.

The FLPM began a process of 4 years of hearings and some 40,000 individual inputs regarding the future desert lands in California. The work directed by the Congress to the administration has now been completed by the Bureau of Land Management.

Today, Mr. Speaker, I am pleased to join with my three colleagues who represent the desert territory involved in the product of the work of the administration and the Bureau of Land Management. It is a balanced proposal that will preserve the most important territory in the West. I ask my colleagues to consider it very carefully and to join us in our efforts to pass this legislation.

Mr. Speaker, the California Public Lands Wilderness Act is the result of 4 years of public hearings involving over 40,000 individual comments. It will provide permanent wilderness protection for 62 separate wilderness areas, totaling 2.3 million acres and expand the existing Death Valley and Joshua Tree National Monuments. It was developed by the publicly appointed 15 member California Desert Conservation Area Advisory Committee. The CDCA Advisory Committee was composed of representative individuals from every walk of life—including groups such as native Americans, conservationists, and off-road vehicle enthusiasts.

The CDCA compromise was aptly described by the Los Angeles Times in an editorial of October 13, 1980.

This is a bill which complies with the Interior Committee's mandatory deadline which was established in Public Law 94–579—the Federal Land Policy and Management Act of 1976. In consulting the broadest spectrum of user groups, it reflects the philosophy that

those who live and work in the desert are its best conservationists. I ask for your careful consideration and support of this most important wilderness and public lands initiative.

CONGRESS MUST NOT STRANGLE SMALL BUSINESS JOB CREATION

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, small businesses are critical in today's economic environment because of the historic role they play in getting us back on the road to recovery.

During the last three recessions—those starting in 1969, 1974, and 1980—small businesses contributed 82 percent, 66 percent, and 100 percent of job growth, respectively. Clearly, small businesses create jobs and spark economic recovery.

Mr. Speaker, we should also note that Kiplinger's midyear survey of enterprises throughout the country reveals that business is improving in almost every sector of the economy.

The question then, my colleagues, is whether we are going to help small businesses create jobs and opportunities when we need them most, or whether we are going to strangle them with more mandates, taxes, and regulations.

Remember, it is easy to say you're for small business, but it's how you vote that really counts.

EXCELLENT PROGRESS IN PRESIDENT BUSH'S MIDDLE EAST POLICY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, some on the other side of the aisle like to level criticism at our great President because of the fact that he has been spending so much time on foreign policy issues. Frankly, the brilliant remarks of my friend, the gentleman from Ohio [Mr. GRADISON] outlining what our colleagues are trying to do on domestic policy are worth underscoring, and I would like to associate myself with those remarks.

Mr. Speaker, just a few hours ago, President Bush took off on what clearly is one of the most historic summits ever. It is the first postcold war summit to take place. He is now flying to Moscow for this meeting with President Gorbachev. We hope very much that as we see the signing of the Strategic Arms Reduction Treaty, which took 9 years to put into place, that we will bring an end to the threat of nuclear extinction for this planet.

We also hope very much that we see a successful resolution to the problems that exist in the Middle East, and that is something obviously that is going to be discussed in Moscow.

Mr. Speaker, we have this great chance for peace in the Middle East and I am very enthused about that prospect. The fact that we have seen now both the Arabs and the Israelis talk about the fact that they can get together is a very positive sign for the future.

Yes, we have many domestic problems here in the United States and President Bush has clearly outlined a domestic policy agenda, but this week I wish him well in his first postcold war summit with President Gorbachev.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
July 29, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit four sealed envelopes received from the White House, the first two at 2:20 p.m. and the second two at 4:50 p.m. on Friday, July 26, 1991, as follows:

(1) Said to contain a message from the President whereby he transmits notification of the continuance of the national emergency with respect to Iraq;

(2) Said to contain a message from the President whereby he transmits proposed legislation entitled the "California Public Lands Wilderness Act";

(3) Said to contain a message from the President whereby he transmits a 6-month periodic report concerning the national emergency with respect to Iraq; and

(4) Said to contain a message from the President whereby he transmits proposed legislation entitled the "Post-Employment Restriction Technical Correction Act of 1991."

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

CALIFORNIA PUBLIC LANDS WILDERNESS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102–121)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Friday, July 26, 1991, at pages 20016.)

REPORT ON CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102–122)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Friday, July 26, 1991, at page 20015.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102–123)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs, and ordered to be printed.

(For message, see proceedings of the Senate of Friday, July 26, 1991, at page 20016.)

□ 1220

POSTEMPLOYMENT RESTRICTION TECHNICAL CORRECTION ACT OF 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102–124)

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed.

(For message, see proceedings of the Senate of Friday, July 26, 1991, at page 20016.)

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 25, 1991, this is District of Columbia Day. The Chair recognizes the gentleman from California, [Mr. DELLUMS] chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA EMERGENCY DEFICIT REDUCTION ACT OF 1991

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia and pursuant to the order of the House of Thursday, July 25, 1991, I call up the bill (H.R. 2969) to

permit the Mayor of the District of Columbia to reduce the budgets of the board of education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District government, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Deficit Reduction Act of 1991".

SEC. 2. PERMITTING MAYOR TO REDUCE BUDGETS OF BOARD OF EDUCATION AND OTHER INDEPENDENT AGENCIES.

"(a) IN GENERAL.—Title IV of the District of Columbia Self-Government and Government Reorganization Act is amended by inserting after section 452 the following new section.

"REDUCTION IN BUDGETS OF INDEPENDENT AGENCIES

"SEC. 453. (a) In accordance with subsection (b) and except as provided in subsection (c), the Mayor may reduce amounts appropriated or otherwise made available to independent agencies of the District of Columbia (including the Board of Education) for a fiscal year if the Mayor determines that it is necessary to reduce such amounts to balance the District's budget for the fiscal year.

"(b)(1) The Mayor may not make any reduction pursuant to subsection (a) unless the Mayor submits a proposal to make such a reduction to the Council and the Council approves the proposal.

"(2) A proposal submitted by the Mayor under Paragraph (1) shall be deemed to be approved by the Council—

"(A) if no member of the Council files a written objection to the proposal with the Secretary of the Council before the expiration of the 10-day period that begins on the date the Mayor submits the proposal; or

"(B) if a member of the Council files such a written objection during the period described in subparagraph (A), if the Council does not disapprove the proposal prior to the expiration of the 45-day period that begins on the date the member files the written objection.

"(3) The periods described in subparagraphs (A) and (B) of paragraph (2) shall not include any days which are days of recess for the Council (according to the Council's rules).

"(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the District of Columbia courts or the Council.".

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to budgets for fiscal years beginning on or after October 1, 1990.

SEC. 3. PERMITTING DISTRICT OF COLUMBIA TO CARRY OUT EMPLOYEE SEPARATION PROGRAM.

Section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-242(3), D.C. Code) is amended by striking the period at the end of the fourth sentence and inserting the following: ", except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system pursuant to procedures established by the Council for the separation of officers and employees whose positions are determined to be excess positions if the separation of such officer or employee is carried out during the 18-month period that begins on the date of the enactment of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Emergency Amendment Act of 1991.".

SEC. 4. PERMITTING DISTRICT OF COLUMBIA TO ISSUE BONDS FOR FINANCING EXISTING GENERAL FUND DEFICIT.

(a) IN GENERAL.—Section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-321(a), D.C. Code) is amended—

(1) by striking "(a)" and inserting "(a)(1)";

(2) by striking "outstanding" and inserting "outstanding, to finance the outstanding accumulated operating deficit of the general fund of the District of $331,589,000, existing as of September 30, 1990,"; and

(3) by adding at the end the following new paragraph:

"(2) The District may not issue any general obligation bonds to finance the operating deficit described in paragraph (1) after September 30, 1992.".

(b) WAIVER OF 30-DAY CONGRESSIONAL REVIEW PERIOD FOR DISTRICT ACT AUTHORIZING ISSUANCE OF BONDS.—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, the General Fund Recovery Act of 1991 (D.C. Act 9-64) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 2969 facilities the moves taken by the District government to set its financial house in order by ensuring local authority to adopt a number of budget austerity measures, including modified reduction in force procedure, and the ability to issue deficit reduction bonds.

Mr. Speaker, H.R. 2969 grants the Mayor the authority to reduce the bottom line for appropriated funds of independent agencies to prevent the District budget from going out of balance.

It also authorizes a modified reduction in force procedure for employees regardless of the date of their first employment by the District.

In addition, Mr. Speaker, H.R. 2969 authorizes the issuance of general obligation bonds backed by the full faith and credit of the District of Columbia—and not the Federal Government—to eliminate from the balance sheet of the District of Columbia the operating deficit in the general fund. The authority to such bonds ends September 30, 1992.

Mr. Speaker, the Council of the District of Columbia has adopted a 21-page bill, the General Fund Recovery Act of 1991. This act increases short-term borrowing authority for fiscal years 1991 and 1992 from $300 million to $450 million each year, but discontinues short-term borrowing if general obligation bonds—authorized at $331.5 million in the Council bill—are issued.

However, Mr. Speaker, issuance of the bonds may not be possible unless a change is made in language in the Home Rule Act which seems to limit the use of general obligation bonds to capital projects and "to refund indebtedness of the District at any time outstanding."

Mr. Speaker, the words which I have just quoted—indebtedness of the District—may not be broad enough to include the accumulated operating deficit in the general fund, which is the problem facing the District.

For that reason, Mr. Speaker, Congress is being asked by District officials to specify the accumulated deficit as a proper subject for general obligation bonds and to waive the 30-day congressional layover period for the Council Act approving the bonds. Section 4 of H.R. 2969 accomplished that.

Mr. Speaker, District officials believe, and the Committee on the District of Columbia is persuaded, that all three items must pass as a package in order to accomplish the desired result. The bond issue will not work without the other two features of the plan to control the expenditures of the District. The austerity measures will not work by themselves without a cash flow that meets the daily operation of the government and long-term enforcement of discipline in balancing the District's budget.

Mr. Speaker, the 3-part package, as reflected in H.R. 2969 makes sense. We are especially aware that the austerity required today is to large extent due to the fact of the accumulated deficit of $284 million which was passed on to the government of the District of Columbia at the advent of home rule in 1973. This figure has been verified by an independent audit.

Mr. Speaker, H.R. 2969 is a good bill crafted in a bipartisan manner by myself and the distinguished gentleman from Virginia, THOMAS BLILEY, who serves as the ranking Republican member on the District of Columbia Committee and unanimously supported by the members of the Committee on the District of Columbia. It deserves the support of all my colleagues on both sides of the aisle.

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as the sponsor of this legislation, I rise in strong support of H.R. 2969, the District of Columbia Emergency Deficit Reduction Act of 1991.

The package of three actions on the part of the District of Columbia which we are considering today is an integral part of the overall fiscal restructuring and budget reform process that Mayor Dixon has undertaken since her inauguration in January. The financial condition of the District is still precarious, indeed it is rather abysmal. Just

2 weeks ago we were presented with a perfect example of the exact status of the District's major problem and why extraordinary actions are all that are left to the District to overcome its predicament.

When it was discovered that revenue collections were falling even further behind projections than has been anticipated the immediate reaction was one of fear and disaster. This should not have been the case. If either the times were normal or the District's financial condition were not so bad this discovery would have led to nothing more than some reprogramming and spending reductions to cover the reduced income because the normal cash reserve would have enabled the District to stay current in its accounts. In the District's present condition however, there is no cash reserve and payrolls and other bills can not be paid unless the money is raised from immediate spending reductions. These reductions are almost impossible to find this late in the fiscal year and when the District has already reduced spending this year by $216 million.

The District's recovery from this situation can not be based on any one action alone. No realistic amount of spending reductions, increased taxes, or higher Federal payments can both rid the District of its cash-robbing deficit and build a budget structure for the future which has the resources it needs to work. Only a combination of dramatic actions can save the District from disaster.

Each of the steps in this process is painful to someone. The emergency supplemental funding and increased Federal payment were not easy to secure. To some extent, the House has taken these steps on faith. Now it is the District's turn and the bill before us today shows that the Mayor and council are willing to do their part and take painful action where it is most needed.

Section 2 of this bill, which will allow the Mayor and the council to exercise real control over the budgets of independent agencies, was a significant factor in my consideration of this legislation. While the legislation does not amend section 452 of the Home Rule Act, as I would like to do, it is clear that Congress intends from enactment of H.R. 2969 that an agency can not use those provisions to avoid, subvert, or thwart the will of the District's elected political leadership—the Mayor and the council. As the sponsor of this legislation, it is my intent and my desire that the District's executive and legislative branches use this power wisely and as broadly as necessary depending on the economic circumstances which may dictate the use of this amended power of agency budget control.

The existing cumbersome budget process makes it practically impossible to effect current year spending reductions by independent agencies. These agencies make up 21 percent of the District's total budget and their practical exemption from necessary midyear appropriation reductions places an even greater than necessary burden on the line agencies when emergencies arise and reductions must be ordered. H.R. 2969 enacts the District government's proposal to amend the Home Rule Act to allow effective control over independent agency budgets. Both the executive and legislative branches of the District government must agree before any reduction can take place and this process can not be used to increase an agency's budget.

I strongly support this action to give the Mayor, as chief financial officer of the District, effective control over all elements of the local government. I believe that the Mayor and the council ought to have line item power over agency budgets and I have supported this concept since I arrived in Washington in 1981. As a former mayor myself, I understand the frustration inherent in being held responsible for raising the funds required for a governmental function but then not having any control over how that money is spent. I believe that allowing total spending control to be placed in the hands of officials not responsible for raising that money is a disaster waiting to happen.

I also hope that the citizens of the District realize that this provision is a symbol of the success of democracy in the District as well as a demonstration that the District and the Congress can work together cooperatively. This is a change that was initiated and passed by a Mayor and a council which were elected with a mandate from the voters, not Congress or the President, to change the status quo. The citizens of the District should be proud that home rule can be changed to meet the needs of today.

The downsizing of the District payroll under section 3 is necessary and long overdue. I have long been concerned that the District is vastly overstaffed for the size and service requirements of the city and that it's position as employer of last resort would eventually contribute to the budget crisis that is now upon us. This situation directly contributed to the financial crisis the District now faces and it must be dealt with before any permanent improvement can take place.

The Mayor has already eliminated more than 2,000 government jobs that were vacant and now is preparing to take the next step and actually reduce the actual number of employees of the District. This action was recommended by the Rivlin Commission. I support it and I wish it had been done a long time ago when it could have averted a crisis rather only be a part of getting out of one.

I applaud the Mayor and the council for their courage and fortitude and for their willingness to go to the heart of the problem—personnel. This reduction in the government payroll will save about $75 million every year in the future once fully implemented. These funds are vitally needed to allow flexibility in the budget process and the continuation of programs actually serving the citizens of the District.

Section 4 of H.R. 2969 is where the other two sections join together with H.R. 2123—formula Federal payment bill—which the House passed on June 11, 1991, to form the legs of a tripod to support the key element designed to get the District back on its financial feet. H.R. 2969 authorizes the District of Columbia to issue $331,589,000 in bonds to retire the accumulated operating budget deficit that is stealing all available cash to keep accounts current. Without the legs of the tripod the key element collapses because it would put too much of a strain on each year's budget. With the three legs in place the bonds can be used to pay off past due obligations, get the District accounts into current balance and provide a constantly replenished cash reserve which is needed to smooth out the imbalance between revenues and bills during the year and to overcome unexpected difficulties such as the newly discovered decrease in revenues.

Early on in this process I expressed my concerns and reservations about issuing long-term bonds to finance debt—even a structural deficit carried over from the past. I had these doubts when this issue was first raised in 1981 and I continue to have them. This is generally not good fiscal policy and should never be used except to avoid going over the brink of insolvency. I have now reached the conclusion that the intractable nature of the District's accumulated deficit problem combined with the former administration's mismanagement has left the District virtually on the edge of a catastrophe.

Once a jurisdiction reaches the nadir in which the District finds itself there are very few options left to deal with the problem. In this case there are only three alternatives which I can identify: First, have the Federal Government give the District the cash it must have or forgive it's debts owned to the Treasury to let the District accumulate cash quickly; second, allow the issuance of deficit reduction bonds as we have been requested to do or; third, force the District to implement its budget in such a way to pay off this debt with yearly budget surpluses.

The Federal Government is in no position to give the District any more funds than it has recently agreed to do to avoid immediate catastrophe. The amount of money that the District could realistically be expected to set aside each year in a budget surplus to pay off the deficit over time would take far longer than is available to avoid economic ruin because the cash

shortage would continue to hamstring the District's budget to the point of collapse. By process of elimination we arrive at the one solution remaining—a one time bond issue.

In my final analysis, I was convinced by Mayor Dixon and Council Chairman Wilson that they understand the depth of the crisis they face and that they agree with me that the actions they are taking are undesirable in any other set of circumstances. These actions, painful though they may be, are necessary. The District faces a crisis. The options available to deal with the crisis are limited. Only a cohesive, interlocking package of actions can effectively deal with the situation. The package is workable and it does force the District government to strictly control its budget. The Mayor and the chairman also know that this action can never be taken again. This is not just the intent of the Mayor or my desire—it is a fact of the financial markets which are the final arbiters in these matters.

The District inherited the deficit and it will always be a millstone unless we act responsibly today.

Mr. Speaker, I believe that there is overwhelming support for the District of Columbia Emergency Deficit Reduction Act. I have also very much appreciated the new attitude in evidence at the District Building and I would like to take this opportunity to again praise Mayor Dixon and Chairman Wilson for their efforts on behalf of the District and their willingness to do what is required. I am convinced that the Mayor and the chairman recognize the depth as well as the nature of their problems and that they are committed to doing what is necessary to get the District's fiscal house in order. They have earned our respect and I believe that they have earned the gratitude of all of the citizens of the District.

Let me also thank our distinguished chairman, the gentleman from California [Mr. DELLUMS]. I have enjoyed working with him and I greatly appreciate his leadership on this necessary legislation.

□ 1230

Ms. NORTON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, despite the inherent difficulty of the issues, H.R. 296 and H.R. 2969 come to you in the unusual posture of a unanimous committee vote. The District of Columbia is requesting changes in its charter to allow the city to respond to an egregious economic crisis. Furloughs of city employees may be necessary even so. Most of your own large cities are facing similar problems.

There are two differences between your cities and the District. First, the District under Mayor Sharon Pratt Dixon and City Council Chair John Wilson, has moved rapidly to make large cuts and savings and as a result has thus far avoided layoffs of front line employees. Second, the District for lack of complete home rule, must come to the Congress to get permission to take responsible cost cutting measures that most cities could take on their own.

Two of these measures passed the D.C. City Council by a vote of 12 to 1, the other unanimously. Still the District Committee held hearings to look behind these bills and satisfied itself that, as the local officials claimed, the deficit reduction bonds would be used only for that purpose; that independent agencies would be cut only at the bottom line and not at the line item; and that dismissals of midlevel management employees would be attended by due process.

The Congress has generally shown a gratifying appreciation for the democratic process in the District. This deferral is especially warranted when locally elected officials have overwhelmingly approved a particularly difficult course of cuts and sacrifices. Only the locally elected officials can be held accountable. Those who work but do not live in the District have thereby submitted themselves to our laws and, in any case, have no cause for concern because the appeal process will assure that function and competence, not residence is the basis for judgments about continued employment.

This may not be the course some Members would have chosen. It is the course chosen by the elected officials closest to the people to make such decisions. We need do no more here today than endorse their decisions reached responsibly and democratically.

Mr. DIXON. Mr. Speaker, I rise in strong support of H.R. 2969, the District of Columbia Emergency Deficit Reduction Act of 1991. This act amends the home rule charter and grants the Mayor and Council the authority they have requested to better manage the District of Columbia government.

The new leadership of this District was elected last fall, a relatively short time ago. And in that brief period they have shown a willingness to meet the problems and hardships head-on and come up with solutions and develop sound methods to resolve those difficulties. They have shown that they will do whatever is necessary, even though at times it might be painful, to get this District back on track regardless of how popular or unpopular that course of action may be. The medicine may not taste too good, but it will make the patient well.

Mr. Speaker, the bill that is now before us includes three very important issues.

First, it allows the Mayor, with Council approval, to reduce the spending authority of all independent agencies within the executive branch, including the board of education, whenever the Mayor determines that the reduction is necessary to keep the budget for the District of Columbia government in balance.

When the District runs a budget deficit, we look to the Mayor to explain why. So it is only fair for the Mayor to have the authority to reduce all budgets after appropriation acts are approved if revenues are not coming in at the projected levels. And I feel confortable that this administration will be fair in applying these cuts when they are required.

The second part of this bill will put in place the Mayor and Council's employee separation program. This is a very difficult thing for the city to do.

But these are very difficult times.

Revenue growth of 10 percent, 11 percent, and even 19 percent which the District experienced during the 1980's has been challenged by a downturn in the economy. Revenues in fiscal year 1992 are projected to be 1.8 percent higher than fiscal year 1991, considerably less than inflation itself.

The impact of such a sharp downturn can be summed up in one word—devastating.

The third issue addressed in H.R. 2969 is deficit bond financing. The District has run deficits in 2 of the last 3 years. These deficits resulted from two diametrically opposed factors—lower revenues caused by the downturn in the economy, and increased spending for health care, public safety, and education.

Mr. Speaker, the subcommittee which I chair has had the opportunity to examine the appropriate witnesses—experts in the field of municipal finance. We heard what they had to say with respect to deficit reduction bonds, and they said it is something you want to avoid if at all possible. But if necessary, it is something that is done, and when done properly with the necessary planning and commitment, can be accomplished successfully.

In anticipation of the adopting of this bill, the District government is developing a budget balancing plan with a self-regulating mechanism that will provide maximum assurance that balanced budgets will be achieved.

And I know this Mayor and Council are committed to putting this District government back on a sound financial footing so they can use that foundation to build a better Nation's Capital, a better community.

Mr. Speaker, I join with my colleagues on both sides of the aisle in supporting this bill.

The distinguished chairman of the committee, my colleague from California [Mr. DELLUMS] and the ranking member, the gentleman from Virginia [Mr. BLILEY] are to be commended for their prompt response in bringing this bill to the floor today with strong bipartisan support.

Mr. Speaker, I urge my colleagues to vote in favor of this bill.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

There was no objection.

Mr. DELLUMS. Mr. Speaker, I simply would like to say first that I thank my colleague, the distinguished gentleman from Virginia [Mr. BLILEY] for his very kind and generous remarks. I would say that it is equally a pleasure to work with my colleague, and I agree with him that it is a great pleasure to work with our newest Member, the gentlewoman from the District of Columbia [Ms. NORTON].

Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

WAIVING THE PERIOD OF CONGRESSIONAL REVIEW FOR CERTAIN DISTRICT OF COLUMBIA ACTS

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia and pursuant to the order of the House of Thursday, July 25, 1991, I call up the bill (H.R. 2968) to waive the period of congressional review for certain District of Columbia acts, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS.

(a) WAIVER.—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, each of the District of Columbia acts described in subsection (b) shall take effect on the date of the enactment of this Act.

(b) ACTS DESCRIBED.—The District of Columbia acts referred to in subsection (a) are as follows:

(1) The National Children's Center, Inc., Revenue Bond Act of 1991 (D.C. Act 9-40).

(2) The Abraham and Laura Lisner Home for Aged Women, Inc., Revenue Bond Act of 1991 (D.C. Act 9-41).

(3) The American College of Obstetricians and Gynecologists Revenue Bond Act of 1991 (D.C. Act 9-42).

(4) The Omnibus Budget Support Temporary Act of 1991 (D.C. Act 9-43).

(5) The Sursum Corda Cooperative Association, Inc., Temporary Act of 1991 (D.C. Act 9-44).

(6) The Real Property Clarification Temporary Amendment Act of 1991 (D.C. Act 9-45).

(7) The Closing of Public Alleys in Square 569, S.O. 89-22, Act of 1991 (D.C. 9-46).

(8) The District of Columbia Good Time Credits Amendment Act of 1991 (D.C. Act 9-51).

(9) The District of Columbia Income and Franchise Tax Conformity Amendment Act of 1991 (D.C. Act 9-52).

(10) The Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991 (D.C. Act 9-54).

(11) The Day Care Policy Budget Conformity Amendment Act of 1991 (D.C. Act 9-55).

(12) The District of Columbia Public School Nurse Assignment Budget Conformity Amendment Act of 1991 (D.C. Act 9-56).

(13) The District of Columbia Motor Vehicle Services Fees Amendment Act of 1991 (D.C. Act 9-57).

(14) The Cigarette Tax Amendment Act of 1991 (D.C. Act 9-58).

(15) The District of Columbia Election Code of 1955 Amendment Act of 1991 (D.C. Act 9-59).

(16) The District of Columbia Housing Bonus Repealer Act of 1991 (D.C. Act 9-60).

(17) The District of Columbia Gross Receipts and Toll Telecommunications Service Tax Temporary Amendment Act of 1991 (D.C. Act 9-61).

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 2968 waives the congressional review period for certain District of Columbia Council acts, which were transmitted to Congress for review in accordance with the provisions of the Home Rule Act. With the upcoming recess for August and the planned date for adjournment in early October, many of these council acts may not take effect for months and some will be delayed until 1992. This review period on occasion has delayed the effective date for some council acts for over 4 months.

Most of these council acts relate to the District government's recent budget cuts and their Omnibus Budget Act to reduce deficit spending and streamline the government. These council acts are purely local in nature and have no Federal interest impact. Without this congressional waiver, the city government would be hampered by the uncertainty of not knowing when each council measure would take effect. The Mayor and the city council are taking bold steps to strengthen the fiscal affairs and management of the city. The Congress has been in strong support of assisting the local government's ability to function efficiently and come to grips with the city's tough financial problems. For these reasons the Committee on the District of Columbia unanimously recommends passage of H.R. 2968.

Mr. Speaker, I'm submitting for the RECORD today a revised copy of the Congressional Budget Office letter regarding H.R. 2968 because of a minor typo in the July 26 letter printed in the report accompanying this bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 1991.

Hon. RONALD V. DELLUMS,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2968, a bill to waive the period of Congressional review for certain District of Columbia acts, as ordered reported by the House Committee on the District of Columbia on July 25, 1991. This estimate supersedes the one dated July 26, 1991. CBO estimates that this bill would result in no cost to the federal government. H.R. 2968 would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 2968 would allow thirty-one acts of the District of Columbia to take effect without the usual thirty-day Congressional review period. Under current law, most District of Columbia acts passed by the District Council and signed by the Mayor (or passed over Mayoral veto) take effect without Congressional action, but only after a thirty-day review period. H.R. 2968 would waive the review period for selected District acts, thus allowing the acts to take effect on the date of this bill's enactment. CBO estimates that this change in law would result in no additional cost to the federal government. It is possible that the earlier enactment date may result in some costs to savings to the District of Columbia, but these differences would depend on District actions that are not required under this bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Patricia Conroy, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER.

□ 1240

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as an original cosponsor of this bill, I rise in strong support of H.R. 2968. This bill will grant a waiver of the 30 legislative day congressional review period for local District of Columbia legislation.

Under the Home Rule Act, all local legislation is sent to Congress for a 30-day review period before going into effect. However, when the Congress is in recess or adjourned for more than 3 days, those days are not counted as part of the review period. As a result, when this House goes into its scheduled August recess, the effective date of those District acts listed in this bill will be delayed by 36 additional calendar days. Of course, should the Senate recess before the House, or come back later, the delay could be greater. Moreover, should this House adjourn as scheduled on October 4, 1991, the effective date of many of the District acts contained in H.R. 2968 would be delayed into the next session of Congress.

Several of the acts listed in H.R. 2968 form important elements of the Mayor's deficit reduction and government streamlining programs. They should not be delayed unnecessarily.

Three of the bills provide for industrial revenue bonds for private organizations in the city. Delay in issuing those bonds risk a decline in the market for them and could jeopardize the projects the bonds are intended to finance.

Among the other local acts listed in H.R. 2968 are measures that rationalize

the District of Columbia Code, clear the way for local projects, and effect redistricting of the city's wards in accordance with the 1990 census. All of these measures are local in nature. Delaying their effective date would not serve any useful congressional purpose. Delay, however, may have a harmful effect for the District and its residents.

Finally, in waiving the 30-day review period for local legislation, Congress does not express support or otherwise endorse the city council's actions. The vast majority of D.C. Council acts go into effect automatically following the expiration of the 30-day review period. H.R. 2968 does nothing more than allow local acts currently pending to go into effect without the unnecessary delays that will result from the upcoming recess.

While these are helpful to the city, they are noncontroversial and involve no Federal interest. All of these acts are within the city government's jurisdiction under home rule and are local in nature.

For these reasons, Mr. Speaker, I would ask my colleagues to support H.R. 2968.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

There was no objection.

Mr. DELLUMS. Mr. Speaker, I would be remiss today if I did not recognize the very fine work of staff of the committee on the District of Columbia. As chair of the D.C. Committee, I am deeply appreciative of staff on both sides of the aisle for excellent work they have done in preparation for today's floor action.

In addition to work done by the professional staff, I want to commend the administrative staff and others who are in support for their solid contribution in a timely response, often under difficult circumstance, to prepare the materials for easy reading.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike all after the enacting clause and insert in lieu thereof:

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS.

(a) WAIVER.—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, each of the District of Columbia acts described in subsection (b) shall take effect on the date of the enactment of this Act.

(b) ACTS DESCRIBED.—The District of Columbia acts referred to in subsection (a) are as follows:

(1) The National Children's Center, Inc., Revenue Bond Act of 1991 (D.C. Act 9-40).

(2) The Abraham and Laura Lisner Home for Aged Women, Inc., Revenue Bond Act of 1991 (D.C. Act 9-41).

(3) The American College of Obstetricians and Gynecologists Revenue Bond Act of 1991 (D.C. Act 9-42).

(4) The Omnibus Budget Support Temporary Act of 1991 (D.C. Act 9-43).

(5) The Sursum Corda Cooperative Association, Inc., Temporary Act of 1991 (D.C. Act 9-44).

(6) The Real Property Clarification Temporary Amendment Act of 1991 (D.C. Act 9-45).

(7) The Closing of Public Alleys in Square 569, S.O. 89-22, Act of 1991 (D.C. Act 9-46).

(8) The District of Columbia Good Time Credits Amendment Act of 1991 (D.C. Act 9-51).

(9) The District of Columbia Income and Franchise Tax Conformity Amendment Act of 1991 (D.C. Act 9-52).

(10) The Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991 (D.C. Act 9-54).

(11) The Day Care Policy Budget Conformity Amendment Act of 1991 (D.C. Act 9-55).

(12) The District of Columbia Public School Nurse Assignment Budget Conformity Amendment Act of 1991 (D.C. Act 9-56).

(13) The District of Columbia Motor Vehicle Services Fees Amendment Act of 1991 (D.C. Act 9-57).

(14) The Cigarette Tax Amendment Act of 1991 (D.C. Act 9-58).

(15) The District of Columbia Election Code of 1955 Amendment Act of 1991 (D.C. Act 9-59).

(16) The District of Columbia Housing Bonus Repealer Act of 1991 (D.C. Act 9-60).

(17) The District of Columbia Gross Receipts and Toll Telecommunications Service Tax Temporary Amendment Act of 1991 (D.C. Act 9-61).

(18) The District of Columbia Public Hall Regulation Temporary Amendment Act of 1991 (D.C. Act 9-50).

(19) The Redistricting Procedure Amendment Act of 1991 (D.C. Act 9-53).

(20) The Uniform Disposition of Unclaimed Property Act of 1980 Amendment Act of 1991 (D.C. Act 9-62).

(21) The Fire Company Staffing Act of 1991 (D.C. Act 9-63).

(22) The District of Columbia Paternity Establishment Act of 1991 (D.C. Act 9-76).

(23) The District of Columbia Interstate Banking Act of 1986 Amendment Act of 1991 (D.C. Act 9-79).

(24) The Health Care Professional Volunteer Assistance Protection Amendment Act of 1991 (D.C. Act 9-78).

(25) The District of Columbia Alcoholic Beverage Control Act Brew Pub License Amendment Act of 1991 (D.C. Act 9-77).

(26) The Citizens Energy Advisory Committee Extension Amendment Act of 1991 (D.C. Act 9-82).

(27) The Extension of the Moratorium on Retail Service Station Conversions Amendment Act of 1991 (D.C. Act 9-81).

(28) The Juror Fees Amendment Act of 1991 (D.C. Act 9-80).

(29) The Condominium Act of 1976 Technical and Clarifying Temporary Amendment Act of 1991 (D.C. Act 9-75).

(30) The Queen's Stroll Street Designation Temporary Act of 1991 (D.C. Act 9-74).

(31) The Youth Rehabilitation Amendment Act of 1985 Amendment Act of 1991 (D.C. Act 9-33).

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the bill and the amendment.

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

VETERANS' BENEFITS PROGRAMS IMPROVEMENT ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1047) to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Programs Improvement Act of 1991".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) EXECUTION OF AMENDMENTS.—References in this Act to a section or other provision of title 38, United States Code, refer to that section or other provision as in effect before the redesignations made by section 5 of the Department of Veterans Affairs Codification Act.

TITLE I—COMPENSATION AND PENSION PROGRAMS

SEC. 101. PENSION BENEFITS FOR INSTITUTIONALIZED VETERANS.

(a) TECHNICAL CORRECTION.—Section 5503(a)(1)(C) is amended by striking out "$60" and inserting in lieu thereof "$90".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if contained in section 111 of the Veterans' Benefits

Amendments of 1989 (Public Law 101–237; 103 Stat. 2064).

SEC. 102. FREQUENCY OF PAYMENT OF PARENTS' DIC.

Subsection (a) of section 415 is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

"(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section.".

SEC. 103. PRESERVATION OF RATINGS WHEN CHANGES MADE IN RATING SCHEDULES.

(a) IN GENERAL.—Section 355 is amended by adding at the end the following: "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act.

SEC. 104. PRESUMPTIVE PERIOD FOR OCCURRENCE OF LEUKEMIA IN VETERANS EXPOSED TO RADIATION.

(a) CHANGE IN PRESUMPTIVE PERIOD.—Section 312(c)(3) is amended by striking out ", except that" and all that follows through "leukemia)".

(b) EFFECTIVE DATE.—No benefit may be paid by reason of the amendment made by subsection (a) for any period before the date of the enactment of this Act.

SEC. 105. PRESUMPTION OF SERVICE-CONNECTION FOR CERTAIN RADIATION-EXPOSED RESERVISTS.

Section 312(c) is amended—

(1) in paragraph (1)—

(A) by striking out "during the veteran's service on active duty" and inserting in lieu thereof "during active military, naval, or air service"; and

(B) by striking out "during the period" and inserting in lieu thereof "during a period"; and

(2) in paragraph (4)(A)—

(A) by inserting "(i)" after "means";

(B) by inserting before the period at the end the following: ", or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training".

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) EXTENSION.—Subsections (a) and (b)(1) of section 722 are amended—

(1) by striking out "one year" each place it appears and inserting in lieu thereof "two years"; and

(2) by striking out "one-year" each place it appears and inserting in lieu thereof "two-year".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any person who, on or after September 1, 1991, is found by the Secretary of Veterans Affairs to be eligible for insurance under section 722 of title 38, United States Code.

SEC. 202. PAYMENT OF SERVICE DISABLED VETERANS' INSURANCE IN LUMP SUM.

(a) PAYMENT IN LUMP SUM.—Section 722(b) is amended—

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum."; and

(2) by striking out paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act. In the case of insurance under section 722(b) of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.

SEC. 203. OPEN SEASON FOR USE OF DIVIDENDS TO PURCHASE ADDITIONAL INSURANCE.

Section 707(c) is amended—

(1) by striking out "before February 1, 1973" in the second sentence and inserting in lieu thereof "during the one-year period beginning September 1, 1991"; and

(2) by inserting after the second sentence the following new sentences: "After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so.".

TITLE III—HEALTH-RELATED PROVISIONS

SEC. 301. ELIGIBILITY FOR OUTPATIENT DENTAL CARE.

Paragraph (1) of section 612(b) is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(3) by adding after subparagraph (G) the following new subparagraph:

"(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.".

SEC. 302. REQUIREMENT FOR SECOND OPINION FOR FEE-BASIS OUTPATIENT DENTAL CARE REIMBURSEMENT.

Section 612(b)(3) is amended by striking out "$500" and inserting in lieu thereof "$1,000".

SEC. 303. EXTENSION OF CONTRACT AUTHORITY FOR ALCOHOL OR DRUG ABUSE TREATMENT.

Section 620A(e) is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1994".

SEC. 304. EXTENSION OF AUTHORITY TO MAKE CONTRACTS TO THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

(a) EXTENSION.—Section 632(a) is amended by striking out "1990" and inserting in lieu thereof "1992".

(b) RATIFICATION.—Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 of title 38, United States Code, by contract or otherwise, during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act are hereby ratified.

SEC. 305. EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS.

(a) SOCIAL WORKER LICENSURE REQUIREMENT.—Section 7402(b) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) SOCIAL WORKER.—To be eligible to be appointed to a social worker position, a person must hold a master's degree in social work from a college or university approved by the Secretary and satisfy the social worker licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed, except that the Secretary may waive the licensure, certification, or registration requirement of this paragraph for an individual social worker for a reasonable period, not to exceed 3 years, in order for the social worker to take any actions necessary to satisfy the licensure, certification, or registration requirements of such State.".

(b) EXEMPTION.—The amendment made by subsection (a) does not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act.

TITLE IV—REAL PROPERTY AND FACILITIES

SEC. 401. ENHANCED-USE LEASES AND SPECIAL DISPOSITION OF PROPERTY.

(a) AMENDMENT TO CHAPTER 81.—Chapter 81 is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"§ 8161. Definitions

"For the purposes of this subchapter:

"(1) The term 'enhanced-use lease' means a written lease entered into by the Secretary under this subchapter.

"(2) The term 'congressional veterans' affairs committees' means the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"§ 8162. Enhanced-use leases

"(a)(1) The Secretary may in accordance with this subchapter enter into leases with respect to real property that is under the jurisdiction or control of the Secretary. Any such lease under this subchapter may be referred to as an "enhanced-use lease". The Secretary may dispose of any such property that is leased to another party under this subchapter in accordance with section 8164 of this title. The Secretary may exercise the authority provided by this subchapter notwithstanding section 8122 of this title, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484), or any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section. The applicability of this subchapter to section 421(b) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553) is covered by subsection (c).

"(2) The Secretary may enter into an enhanced-use lease only if the Secretary determines that—

"(A) at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department;

"(B) the lease will not be inconsistent with and will not adversely affect the mission of the Department; and

"(C) the lease will enhance the use of the property.

"(3) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.), shall not, by reason of this section, become inapplicable to property that is leased to another party under an enhanced-use lease.

"(4) A property that is leased to another party under an enhanced-use lease may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(b)(1) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall select the party with whom the lease will

be entered into using selection procedures determined by the Secretary that ensure the integrity of the selection process.

"(2) The term of an enhanced-use lease may not exceed—

"(A) 35 years, in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

"(B) 20 years, in the case of a lease not described in subparagraph (A).

"(3)(A) Each enhanced-use lease shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in whole or in part through consideration in-kind.

"(B) Consideration in-kind may include provision of goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.

"(4) Any payment by the Secretary for the use of space or services by the Department on property that has been leased under this subchapter may only be made from funds appropriated to the Department for the activity that uses the space or services. No other such payment may be made by the Secretary to a lessee under an enhanced-use lease unless the authority to make the payment is provided in advance in an appropriation Act.

"(c)(1) Subject to paragraph (2), the entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553) shall be considered to be prohibited by that section unless specifically authorized by law.

"(2) The entering into an enhanced-use lease by the Secretary covering any land or improvement described in such section 421(b)(2) shall not be considered to be prohibited under that section if under the lease—

"(A) the designated property is to be used only for child-care services;

"(B) those services are to be provided only for the benefit of—

"(i) employees of the Department;

"(ii) individuals employed on the premises of such property; and

"(iii) employees of a health-personnel educational institution that is affiliated with a Department facility;

"(C) over one-half of the employees benefited by the child-care services provided are required to be employees of the Department; and

"(D) over one-half of the children to whom child-care services are provided are required to be children of employees of the Department.

"§ 8163. Designation of property to be leased

"(a) If the Secretary proposes to designate a property to be leased under an enhanced-use lease, the Secretary shall conduct a public hearing before making the designation. The hearing shall be conducted in the community in which the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated. The possible effects to be addressed at the hearing shall include effects on—

"(1) local commerce and other aspects of the local community;

"(2) programs administered by the Department; and

"(3) services to veterans in the community.

"(b) Before conducting such a hearing, the Secretary shall provide reasonable notice of the proposed designation and of the hearing. The notice shall include—

"(1) the time and place of the hearing;

"(2) identification of the property proposed to be leased;

"(3) a description of the proposed uses of the property under the lease;

"(4) a description of how the uses to be made of the property under a lease of the general character then contemplated—

"(A) would contribute in a cost-effective manner to the mission of the Department;

"(B) would not be inconsistent with the mission of the Department; and

"(C) would not adversely affect the mission of the Department; and

"(5) a description of how those uses would affect services to veterans.

"(c)(1) If after a hearing under subsection (a) the Secretary intends to designate the property involved, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intention to so designate the property and shall publish a notice of such intention in the Federal Register.

"(2) The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

"(3) Each notice under paragraph (1) shall include the following:

"(A) An identification of the property involved.

"(B) An explanation of the background of, rationale for, and economic factors in support of, the proposed lease.

"(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation, together with a summary of the Secretary's evaluation of those views.

"(D) A general description of the proposed lease.

"(E) A description of how the proposed lease—

"(i) would contribute in a cost-effective manner to the mission of the Department;

"(ii) would not be inconsistent with the mission of the Department; and

"(iii) would not adversely affect the mission of the Department.

"(F) A description of how the proposed lease would affect services to veterans.

"(4) Not less than 30 days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans' affairs committees a report on the proposed lease. The report shall include—

"(A) updated information with respect to the matters described in paragraph (3);

"(B) a summary of a cost-benefit analysis of the proposed lease;

"(C) a description of the provisions of the proposed lease; and

"(D) a notice of designation with respect to the property.

"§ 8164. Authority for disposition of leased property

"(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b). A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8122 of this title is in the best interests of the Department. The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease.

"(b) A disposition under this section may be made for such consideration as the Secretary and the Administrator of General Services jointly determine is in the best interest of the United States and upon such other terms and conditions as the Secretary and the Administrator consider appropriate.

"(c) Not less than 90 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

"§ 8165. Use of proceeds

"(a)(1) Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located.

"(2) Funds received by the Department from a disposal of leased property under section 8164 of this title and remaining after any deduction from such funds under the laws referred to in subsection (c) shall be deposited in the nursing home revolving fund.

"(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses.

"(c) Subsection (a) does not affect the applicability of section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a), with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.

"§ 8166. Construction standards

"(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to building codes, permits, or inspections unless the Secretary provides otherwise.

"(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met.

"§ 8167. Exemption from State and local taxes

"The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative

to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease.

"§ 8168. Limitation on number of agreements

"(a) Not more than 20 enhanced-use leases may be entered into under this subchapter, and not more than 10 such leases may be entered into during any fiscal year.

"(b) An enhanced-use lease under which the primary use made of the leased premises is the provision of child-care services for employees of the Department shall not be counted for the purposes of subsection (a).

"§ 8169. Expiration

"The authority of the Secretary to enter into enhanced-use leases under this subchapter expires on December 31, 1994.".

(b) CLERICAL AMENDMENTS.—(1) The heading for chapter 81 is amended by adding at the end the following: "; LEASES OF REAL PROPERTY".

(2) The items relating to chapter 81 in the tables of chapters before part I and at the beginning of part VI are amended to read as follows:

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply; Enhanced-Use Leases of Real Property.....8101"

(3) The table of sections at the beginning of chapter 81 is amended by adding at the end the following:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"8161. Definitions.
"8162. Enhanced-use leases.
"8163. Designation of property to be leased.
"8164. Authority for disposition of leased property.
"8165. Use of proceeds.
"8166. Construction standards.
"8167. Exemption from State and local taxes.
"8168. Limitation on number of agreements.
"8169. Expiration.".

SEC. 402. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new section:

"§ 115. Acquisition of real property

"For the purposes of sections 230 and 1006 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property—

"(1) before title to the property is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

"(2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"115. Acquisition of real property.".

SEC. 403. PERSHING HALL, PARIS, FRANCE.

(a) IN GENERAL.—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) ADMINISTRATION.—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 235 of title 38, United States Code, to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

(c) LEASES.—(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

(2) Leases entered into by the Secretary under this subsection shall be for consideration in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(d) FUND.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed $1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74–171; 49 Stat. 426), is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than $100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) WAIVER.—The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.

TITLE V—MISCELLANEOUS

SEC. 501. DURATION OF COMPENSATED WORK THERAPY PROGRAM.

Section 7(a) of Public Law 102–54 (105 Stat. 269) is amended by striking out "During fiscal years 1992 through 1994" and inserting in lieu thereof "During fiscal years 1991 through 1994".

SEC. 502. SAVINGS PROVISION FOR ELIMINATION OF BENEFITS FOR CERTAIN REMARRIED SPOUSES.

The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse.

SEC. 503. AGENT ORANGE REVIEW.

(a) LIABILITY INSURANCE.—Section 3 of the Agent Orange Act of 1991 (Public Law 102-4; 38 U.S.C. 316 note) is amended by adding at the end the following new subsection:

"(k) LIABILITY INSURANCE.—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

"(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

"(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

"(C) The making of any recommendation for additional scientific study under subsection (e).

"(D) The conduct of any subsequent review referred to in subsection (f) and the making of

any determination or estimate referred to in such subsection.

"(E) The preparation of the reports referred to in subsection (g).

"(2) A person referred to in paragraph (1) is—

"(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

"(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

"(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

"(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney's fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney's fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code.".

(b) DELAY IN CERTAIN PROVISIONS.—(1) Section 3(b) of such Act is amended by striking out "two months after the date of the enactment of this Act" and inserting in lieu thereof "two months after the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991".

(2) Section 10(e) of such Act is amended—

(A) in paragraph (1), by striking out "at the end of the six-month period beginning on the date of the enactment of this Act" and inserting in lieu thereof "at the end of the two-month period beginning on the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991"; and

(B) in paragraph (2)(A), by striking out "six-month".

SEC. 504. EXPANSION OF AUTHORITY TO ACCEPT GIFTS, BEQUESTS, AND DEVISES.

Section 8301 is amended by adding at the end the following new sentence: "The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services or benefits.".

SEC. 505. TECHNICAL AMENDMENT RELATING TO COLLECTION OF CERTAIN INDEBTEDNESS TO THE UNITED STATES.

(a) DEPOSIT OF COAST GUARD AMOUNTS.—Section 5301(c)(4) is amended by inserting before the period at the end the following: "or to the Retired Pay Account of the Coast Guard, as appropriate".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to funds collected after September 30, 1991.

SEC. 506. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) Section 618(b)(2) is amended by striking out "arangements" and inserting in lieu thereof "arrangements".

(2) Section 716(b) is amended by striking out "upaid" and inserting in lieu thereof "unpaid".

(b) PUBLIC LAW 101-237.—Effective as of December 18, 1989, section 423(b) of Public Law 101-237 is amended—

(1) in paragraph (2), by striking out "1790(b)(3)(B)(i)(III)," and inserting in lieu thereof "1790(b)(3)(B)(iii), as redesignated by subsection (a)(9)(C)(ii),"; and

(2) in paragraph (4)(A), by striking out "1418(a)(3)" and inserting in lieu thereof "1418(a)".

(c) PUBLIC LAW 102-16.—Effective as of March 22, 1991, section 9(d) of Public Law 102-16 is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, I do not intend to object, and would yield to the chairman of the committee for an explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, H.R. 1047, as amended, would make needed improvements to several aspects of the compensation, pension, and life insurance programs administered by the Department of Veterans Affairs. Many of the provisions were passed by the House last year as title II of H.R. 5326, the failed compensation COLA bill. The bill also includes important provisions regarding the acquisition and use of VA facilities and property, as well as amendments to VA health care provisions.

Included in the bill are technical corrections regarding payments of nonservice-connected pensions to certain veterans in nursing homes or domiciliaries. The bill would authorize the Secretary of Veterans Affairs to pay parents' DIC benefits on a less frequent basis than that provided under current law. It would give the Secretary greater latitude in accepting gifts or bequests for the Department that would enhance the administration of benefits. It would also protect individual veterans' disability ratings from reductions due solely to revisions in the rating schedule. The bill would conform the manifestation period applicable to leukemia with other radiogenic conditions covered under the atomic veterans presumptions and expand applicability of these radiogenic presumptions to include certain members of the Guard and Reserves who may have participated in the atmospheric testing of atomic weapons.

In addition, the bill would liberalize the manner in which service-disabled life insurance benefits may be applied for or paid; authorize an open season for certain veterans to purchase additional paid-up additions of national service life insurance; and clarify a provision in the Omnibus Budget Reconciliation Act of 1990 regarding benefits eligibility of certain surviving spouses and children of veterans.

Section 1 of the bill designates the act as the "Veterans' Benefits Programs Improvement Act of 1991."

Section 101 corrects an error made in connection with the enactment of section 111 of Public Law 101-237 which increased the applicable maximum rate of pension payable to veterans in nursing homes or domiciliaries. The technical correction would increase the rate in section 3203(a)(1)(C), which applies to readmissions within 6 months of discharge, from $60 to $90 per month, with an effective date as if the amendment had been made in section 111 of Public Law 101-237.

Section 102 would amend section 415 of title 38 to permit payment of dependency and indemnity to parents—also referred to as parents DIC—on a less than monthly basis. The committee has been advised that, in certain instances, payment of this benefit on a monthly basis can adversely affect certain beneficiaries' eligibility for other Federal needs-based benefits. This amendment simply authorizes the Secretary to provide the same options under this program to needy parents of veterans whose deaths are service connected as are available to beneficiaries under the improved pension program.

Section 103 would amend section 355 of title 38 to provide that no readjustment in the schedule for rating disabilities shall cause a veteran's disability rating in effect on the date of the readjustment to be reduced unless an actual improvement in the veteran's disability has been shown to have occurred. The committee is aware of cases, particularly with respect to adjustments in the rating schedule pertaining to the evaluation of hearing loss, in which individual veteran's ratings have been reduced, although no improvement in the veteran's disability has occurred. Enactment of this provision is necessary to protect veterans' ratings, especially in light of forthcoming future readjustments to the rating schedule which otherwise could have resulted in similar reductions.

Section 104 would amend section 312(c) by conforming the manifestation period applicable in the case of a radiation-exposed veteran suffering from the disease of leukemia to the manifestation period of 40 years which is applicable to other cancer-related diseases for which presumptions of service connection were provided under Public Law 100-321. This amendment is consistent with a recommendation submitted to the committee by the Secretary of Veterans Affairs advisory committee on environmental hazards and with conclusions reached as to the long-term effects of exposure to low levels of ionizing radiation set forth in the BEIR V committee report follow-up to the BEIR III committee report.

Section 105 would expand applicability of presumptions found in section

312(c) of title 38 for veterans exposed to low levels of ionizing radiation, during atmospheric testing of nuclear weapons or the occupation of Hiroshima and Nagasaki during World War II, to certain members of the National Guard and Reserve who also participated in the tests but were not on active duty. The committee has been advised that as many as 1,500 such individuals may have participated in these tests. The general counsel of the VA has determined that such individuals, not having been on active duty, are not covered by these presumptions.

Section 201 would extend the time period for applying for additional life insurance coverage under the service-disabled life insurance [SDVI] program from 1 year following a determination of service connection of a disability to 2 years after that date.

Section 202 would revise the manner in which payments of service-disabled veterans life insurance are made in the case of certain incompetent service-connected disabled veterans. Under current law, payments to a beneficiary determined in accordance with statute must be made by a minimum of 120 equal monthly payments. This provision would require that such payments be made in a lump sum to the first beneficiary and that, in a case in which monthly payments had commenced prior to the enactment of this provision, the Secretary shall pay the remaining balance in one lump sum.

Section 203 would establish a 1-year period beginning on September 1, 1991, during which veterans with accumulated dividends on account could purchase additional amounts of paid-up national service life insurance. Under current law, only current annual dividends may be applied for this purpose. This provision would also authorize the Secretary, from time to time, to provide for additional 1-year open seasons.

Mr. Speaker, several provisions of H.R. 1047 extend or otherwise improve VA health care programs. The House initiated a number of these provisions last session in H.R. 5470. Although H.R. 5740, as amended, passed the House, the Senate took no action on it. This session, we took these provisions up again in H.R. 2280, which the House passed this June. I'm pleased that the Senate has sent us a bill which includes these or very similar measures.

The first of these provisions, section 301 of the bill, would authorize VA to provide dental treatment in certain instances where it is medically necessary on an outpatient basis. Such dental treatment would be available when medically essential in cases where a veteran is either already under VA care or treatment or, in the case of a patient requiring hospitalization, it could be provided on a preadmission basis. Establishing this authority will free VA of the need to hospitalize a patient simply to assure that dental problems, which could compromise a medical condition, do not go untreated.

Under existing law governing the VA's dental program, the Department must obtain a second opinion on the need for dental treatment proposed to be provided on a fee basis, where the cost of such treatment over a 12-month period would exceed $500. The $500 limit has not been increased since the enactment of this requirement in 1979.

Section 302 of the bill would raise from $500 to $1,000 the threshold for requiring such dental reexaminations. Enactment of this provision would avoid VA's incurring many costly, unproductive dental reexaminations.

The bill would also extend two contract programs. Section 303 would extend through December 31, 1994, VA's authority to contract with halfway houses or other community-based treatment facilities for the care of veterans suffering from alcohol or drug abuse or dependence. Section 304 would extend through September 30, 1992, the now-expired authority to contract with the Veterans Memorial Medical Center in the Philippines for the care of eligible United States veterans.

Section 305 would establish education and licensure qualifications for new appointments of social workers. The measure would call for new social-workers to hold a master's degree in social work, and it would require licensure, certification, or registration if the State in which the individual is to be employed would require it. The bill would permit waiving the latter requirement on a case-by-case basis for a period of up to 3 years.

Mr. Speaker, section 401 of the bill is derived from an administration proposal submitted by the Secretary of Veterans Affairs to the Congress on April 26, 1990. The principal aim of this legislation is to improve services to veterans, either directly through construction of VA facilities to serve them, or indirectly, through enhancements that will assist the VA in recruiting and retaining a skilled work force. This legislation is designed to enable the Department to acquire services without direct capital expenditures and to enter into competitive arrangements whereby VA property is developed or managed in a manner that saves Government expenditures or produces revenue for the Government.

For a number of years, the Department of Veterans Affairs has been stymied in its efforts to acquire and improve facilities to assist in accomplishing its mission of providing services to veterans. This is partly the result of a lack of funds necessary to build and modernize the large number of facilities which serve our Nation's veterans. It is also due in part to legal restraints on the Secretary's ability to encourage development of underutilized VA facilities in a manner consistent with VA's needs and those of the community in which the facility is located.

This legislation would authorize the Secretary, following public hearings and an extended review process, to designate certain properties for enhanced use leases. The Secretary would be authorized to lease such properties for up to 35 years where new buildings or substantial rehabilitation of an existing building was contemplated, or up to 20 years in other cases. According to VA officials, this length of lease is sufficient to encourage private developers to make valuable improvements on VA real property. These same officials have advised the committee that the Department is considering proposals which would utilize this authority to build or manage parking garages, child care centers, regional office space, golf courses, temporary lodging facilities, and park and recreation facilities on VA grounds. In return for the opportunity to make a profit, the developer will provide either space or services to the facility which is the site of the improvement. In some cases, such as child care centers, the benefit will be indirect, that is, a child care center will be established where it is needed using private funds, making the VA a more attractive employer to existing or potential workers. In other cases, the VA will get space for a needed function, for example, two floors out of a six-story commercial office building would be reserved for the VA to colocate a regional office onto the grounds of a medical center. It should be noted that 25 percent of the net proceeds of any enhanced use lease will be allotted to the VA facility that is the site of the property involved. This provision should encourage facility managers to utilize this authority.

There are a number of procedural requirements included in the legislation to ensure that any agreement will not be inconsistent with, and will not adversely affect the mission of, the Department. These include the public hearing requirement and advance notice to the Committees on Veterans' Affairs. However, given the wide array of potential projects which the Secretary may undertake with this authority, and the concomitant need for flexibility in structuring such authority, the best way to evaluate the Department's proposal is to see how it works, and how it in fact enhances VA facilities. The authority provided will permit the Secretary to enter into as many as 20 enhanced use leases prior to December 31, 1994. During 1994, the Congress will examine the extent to which the Secretary achieved the stated objectives of this legislation. Based on that review, the Congress may extend, modify, or terminate the authority.

Section 402 of this bill would authorize the Secretary to acquire and use real property for medical facilities, cemeteries, or VBA regional offices be-

fore the title to the property is approved by the Attorney General and even though the title to the property is not absolute and unconditional. This authority is similar to authority which the Secretary of Defense possesses. Although the committee does not believe it will be necessary for the Secretary to invoke this authority on a frequent basis, occasions may arise that would warrant its use. The committee notes that the Justice Department has similar authority under the regulations prescribed under section 255 of title 40, United States Code. From evidence available to the committee, however, it appears that the Justice Department is reluctant to exercise this authority in cases where it appears to be warranted.

Under the authority in section 402, the Secretary will be authorized to accept 4½ acres of land adjacent to the VA Medical Center in Jackscn, MS, from the State for a new VA regional office to be built in the next 4 years. This new facility would mean that veterans could get their claims adjudicated and their medical care at the same time. In addition, the new building would provide space for the new regional medical director's staff and the area field director's staff. In other words, Mr. Speaker, everything will be located on one site. I want to thank Senator CRANSTON and Senator SPECTER for working with us on this particular project. It means much to the veterans of Mississippi and I am grateful for their support.

Mr. Speaker, section 403 of the bill would transfer Pershing Hall to the Department of Veterans Affairs. It is almost identical to H.R. 5506 which passed the House last year and to H.R. 154 which passed the House on February 5, 1991.

Pershing Hall is a building owned by the Federal Government located in the middle of downtown Paris, France. Some have estimated the appraised value of the building and furnishings to be $50 to $60 million.

Many American community and civic organizations use Pershing Hall. Some of the tenants include the USO, the American Womens' Group in Paris, Boston University, and the State University of New York. Should the building be transferred to the Department of Veterans Affairs, the Secretary would, of course, discuss the future use of Pershing Hall with all of the current users of the building.

Mr. Speaker, although the United States has had full, unrestricted title to the building for almost 50 years, no agency of the Government has ever occupied the building or exercised administrative control over it. It is time someone took charge of the building and the Secretary of Veterans Affairs has agreed to do it.

Mr. Speaker, this valuable and historic building in downtown Paris was established for the primary use of veterans. The building was also supposed to serve as a memorial to Gen. John J. Pershing and the American Forces that served with him during World War I. For all practical purposes, the memorial does not exist.

The American Legion took control of the building in 1928 and managed the facility for many years under an operating agreement with the Department of France American Legion Paris Post No. 1. Due to disagreements concerning management and use of the facility, The American Legion decided to terminate the operating agreement in May 1982. Since that date, the committee has continued to receive many complaints about the way the building is being managed and the lack of access to the building by veterans.

In 1985, based on a GSA task force report, the committee was informed that a legislative proposal would be submitted by the administration to transfer title of the building to the State Department. The proposal was never submitted to the Congress.

Last year, I asked Secretary Derwinski to send a site team to Paris to see what could be done to resolve problems there. The site team confirmed there were numerous problems with the operation and management of Pershing Hall. Secretary Derwinski was so concerned that he has agreed to take custody of the building and to work with the American Battle Monuments Commission in establishing the memorial as was originally intended.

In addition, a VA contact office could be located in the building to assist veterans residing in that part of the world, and the Secretary would have authority to lease out any remaining space. Proceeds from the leased space would be deposited into a revolving fund to offset expenses. It is intended that the fund will be self sustaining.

A more detailed explanation of this section can be found in House Report 101–858 filed by the Committee on Veterans' Affairs on October 13, 1990.

Mr. Speaker, we must act without further delay to resolve the problems that currently exist at Pershing Hall. I am confident the transfer of this facility to the VA will solve those problems.

I appreciate Secretary Derwinski's interest. It is the first time we have seen the head of any department or agency willing to assume responsibility for the facility.

Section 502 would make a technical correction to section 8004 of the Omnibus Budget Reconciliation Act of 1990 which repealed certain portions of title 38 affecting consideration of an individual as the unremarried spouse of a veteran—particularly for dependency and indemnity compensation [DIC] and burial eligibility—or the child of a veteran. This provision would clarify the effect of the reconciliation provision to accurately reflect the intent of Congress that the change in law shall not serve to deny, reduce, or terminate benefits to any individual who, on October 31, 1990, was, or would have been considered as the unremarried spouse or child of the veteran, as long as no subsequent marriage has occurred.

Section 503 would authorize the Secretary of Veterans Affairs to provide liability insurance for the National Academy of Sciences or any other scientific organization to cover claims for monetary damages resulting from negligent actions or omissions, or wrongful actions by the Academy or its employees in carrying out the review of scientific evidence concerning the association between exposure to herbicides in Vietnam and certain diseases suspected of being associated therewith. The cost of such insurance coverage would be covered from funds made available to carry out the study.

This section would also require the Secretary to reimburse the Academy for the cost of any judgment, attorneys fees, or incidental expenses not covered by the liability insurance. Such reimbursements would be made from funds made available to carry out the scientific review.

Finally, this section would extend, until 2 months from the date of this act, the timeframe within which the Secretary must act in seeking an agreement with the Academy for the review. It would also delay, for a like period, the effective date of various conforming amendments to Public Law 98–542 affecting the jurisdiction and size of the advisory committee on environmental hazards and the authority of the Secretary to make decisions regarding benefits eligibility under that public law.

Section 504 would expand the authority of the Secretary of Veterans Affairs to accept gifts, devises, and bequests, that will enhance the Secretary's ability to provide services or benefits for veterans. Under current law, pursuant to sections 1006, 1007, 5004, and 5101 of title 38, the Secretary has authority to accept certain gifts for the benefit of national cemeteries and the Department's medical facilities and their patients. However, no broad authority exists which would allow other DVA activities, such as the regional offices of the Veterans Benefits Administration, to benefit from the generosity of veterans and service organizations or other parties. The VA was precluded by law from accepting a bequest to a regional office, for example, which was intended to express a veteran's thanks. Existing law has similarly ruled out acceptance by VBA and other elements of the Department of otherwise appropriate donations of office equipment or similar materials. The committee believes this expansion of gift-acceptance authority can only work to the benefit of the Nation's veterans.

Section 505 would make a technical amendment to section 3101(c) of title 38 to authorize the deposit of amounts collected for unpaid survivor benefit plan premiums from Coast Guard members into the retired pay account of the U.S. Coast Guard. Current law requires that all such sums now collected through offsets of compensation and pension payable to these individuals be deposited into the Department of Defense military retirement fund under chapter 74 of title 10. The Coast Guard, however, as a component of the Department of Transportation, maintains a separate fund, the retired pay account, for the receipt of these payments or collections. The committee believes enactment of this provision will ensure that the collected funds will be deposited into the proper account.

There follows a joint explanatory statement concerning the provisions contained in H.R. 1047 as amended:

JOINT EXPLANATORY STATEMENT ON H.R. 1047, THE PROPOSED VETERANS' BENEFITS IMPROVEMENTS ACT OF 1991

H.R. 1047, as passed by the House of Representatives on April 11, 1991, and amended by the Senate, the proposed "Veterans' Benefits Improvement Act of 1991," reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered, but not enacted, in the Senate and the House of Representatives during the 101st Congress. These are H.R. 5326, the proposed "Veterans Compensation Amendments of 1990," and H.R. 5740, the proposed "Veterans' Health Care Amendments to 1990," which the House passed on October 15, 1990, and S. 2100, the proposed "Veterans Benefits and Health Care Amendments of 1990" (hereinafter referred to as the "Senate bill"), which the Senate Committee reported on July 19, 1990, but was not considered by the Senate prior to the end of the 101st Congress.

The Committees have prepared the following explanation of H.R. 1047. Differences between the provisions contained in H.R. 1047 as passed by the House and amended by the Senate (hereinafter referred to as "Compromise agreement") and the Senate and House provisions on which they are based are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—COMPENSATION AND PENSION PROGRAMS

Pension benefits for institutionalized veterans

Current law: Subparagraphs (A) and (B) of section 5503(a)(1) of title 38, United States Code, limit the amount of needs-based pension that VA may pay to a veteran who has no dependents and is being furnished domiciliary or nursing-home care by VA for more than three full calendar months. Subparagraph (C) of section 5503(a)(1) limits the amount paid to such a veteran receiving such care for more than one full calendar month if the veteran was readmitted to a VA nursing-home or domiciliary care facility within six months after a previous period of care that resulted in a reduction of pension under subparagraph (A) or (B). Section 111 of Public Law 101-237 increased the maximum pension payment from $60 a month to $90 under subparagraphs (A) and (B) of section 5503(a)(1) but, by inadvertence, a conforming change was not made in subparagraph (C).

House bill: Section 201(a) of H.R. 5326 would have amended section 5503(a)(1)(C) of title 38 to increase from $60 to $90 the maximum monthly pension payable thereunder to veterans readmitted to VA nursing-home or domiciliary care. This provision would have taken effect as if the amendment had been included in section 111 of Public Law 101-237.

Senate bill: No provision.

Compromise agreement: Section 101 follows the House provision.

Frequency of payment of parents' DIC

Current law: Section 415(a) of title 38 provides that dependency and indemnity compensation (DIC) shall be paid monthly to certain, low-income parents of a veteran who died from a service-connected condition.

House bill: Section 203 of H.R. 5326 would have authorized the Secretary to pay parents' DIC benefits less frequently than once a month if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under section 415 of title 38.

Senate bill: No provision.

Compromise agreement: Section 102 follows the House provision.

Preservation of ratings when changes made in rating schedules

Current law: Under section 355 of title 38, the Secretary of Veterans Affairs is required to "adopt and apply a schedule of ratings of reductions in earning capacity" resulting from specific disabilities. The schedule must provide eleven grades of disability, from zero percent to 100 percent, on which to base payment of disability compensation. The schedule of ratings, which appears in part 4 of title 38 of the Code of Federal Regulations, provides very specific, detailed rules for evaluating disabilities and assigning percentage ratings. Section 355 also requires that the Secretary "from time to time readjust this schedule of ratings in accordance with experience."

An October 27, 1988, opinion of the VA General Counsel (Op. G.C. 11-88) held that, when the schedule is adjusted, VA lacks the authority "to protect ratings assigned under superseded criteria."

House bill: Section 205 of H.R. 5326 would have prohibited rating reductions based on a change in evaluation methods or standards of the VA disability rating schedule unless the veteran's disability had improved.

Senate bill: Section 102 is substantively identical to the House provision, except that it would have authorized, rather than required, prospective-only application of changes in the disability rating schedule.

Compromise agreement: Section 103 follows the House provision.

Presumptive period for occurrence of leukemia in veterans exposed to radiation

Current law: Section 312(c)(3) of title 38 provides presumptions of service connection for specific diseases that appear within specified time periods after the last date on which the veteran participated in a radiation-risk activity. The general presumptive period in this section is 40 years; in the case of leukemia (other than chronic lymphocytic leukemia), the period is 30 years.

House bill: Section 206 of H.R. 5326 would have increased the limitation in the case of leukemia to 40 years.

Senate bill: Section 112 would have eliminated all latency-period limitations in section 312(c).

Compromise agreement: Section 104 follows the House provision.

Presumption of service-connection for certain radiation-exposed reservists

Current law: Section 312(c) of title 38 provides presumptions of service-connection for certain diseases of veterans who participated on-site in a radiation-risk activity while serving on active duty, but not for reservists and National Guard members whose on-site participation in a radiation-risk activity occurred while they were serving on active duty for training or inactive duty training.

House bill: Section 207 of H.R. 5326 would have expanded the presumptions of service-connection for radiation-exposed veterans to cover individuals who were serving on active duty for training or inactive duty training while participating on-site in a radiation-risk activity. The resulting presumptions of service-connection would apply with respect to only compensation, dependency and indemnity compensation, health-care services, burial benefits, and survivors' educational assistance.

Senate bill: Section 111 was substantively identical to the House provision except that the presumptions would have applied with respect to all title 38 benefits based on service-connection.

Compromise agreement: Section 105 follows the Senate bill.

TITLE II—LIFE INSURANCE PROGRAMS

National Service Life Insurance Program

Current law: Section 722(a) of title 38 requires VA to provide $10,000 in Service Disabled Life Insurance [SDLI] at standard rates to a veteran released from active duty after April 24, 1951, who has a service-connected disability rated at 10 percent or more than renders the veteran uninsurable. To qualify, the veteran must apply for the policy within one year from the date that service-connection of the disability is determined by VA.

Section 712(a) of title 38 provides that payment of premiums on insurance may be waived during the continuous total disability of the insured, which continues or has continued for 6 or more consecutive months, if that disability began (1) after the date of the insured's application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) before the insured's sixty-fifth birthday.

Section 722(b)(1) provides that, in the case of a veteran who (1) the Secretary determines was mentally incompetent from service-connected disability (A) at the time of release from active service, (B) during any part of the 1-year period from the date of service connection of a disability is first determined, or (C) after release from active service but are not rated service-connected until after death; and (2) remained continuously mentally incompetent until death; and (3) died before the appointment of a guardian or within 1 year after the appointment of a guardian, the veteran will be deemed to have applied for and been granted SDVI, as of the date of death, in an amount which, together with any United States Government or National Service Life Insurance aggregates $10,000.

House bill: Section 9(b) of H.R. 1047 as passed by the House on April 11, 1991, would amend section 722 so as to (a) extend from 1 year to 2 years the time period following a determination of service-connection during which a veteran may apply for SDVI; and (b) extend from 1 year to 2 years the time periods, noted above, which determine when a veteran who is mentally incompetent from a service-connected disability will be deemed to have applied for and been granted SDVI.

Senate bill: Section 501 would (a) provide supplemental coverage at standard premiums, of up to an additional $10,000 in SDVI to certain veterans who are eligible for a waiver of premiums due to total disability, and (b) specify that a veteran not currently eligible for waiver of premiums of SDVI would have a year, upon notification of eligibility, to apply for the supplemental coverage.

Compromise agreement: Section 201 follows the House bill and provides that the amendment would be effective as of September 1, 1991.

Payment of service disabled veterans' life insurance in lump sum

Current law: Section 722(b)(4) of title 38 provides that SDVI payments to a beneficiary of a veteran who was mentally incompetent from service-connected disabilities and died without applying for SDVI must be made by a minimum of 120 equal monthly payments.

House bill: Section 10 of H.R. 1047 as passed by the House on April 11, 1991, would require that payments of SDVI under section 722(b)(4) be made in a lump sum and that, in a case in which monthly payments had commenced to the date of enactment, the Secretary pay the remaining balance in one lump sum.

Senate bill: No provision.

Compromise agreement: Section 202 follows the House provision.

Open season for use of dividends to purchase additional insurance

Current law: Under subchapter 1 of chapter 19 of title 38, VA administers the National Service Life Insurance (NSLI) program, which is generally for World War II veterans. Section 707(c) authorized VA, upon application made in writing by an insured before February 1, 1973, to apply any NSLI dividend credits and deposits to purchase paid up insurance.

House bill: Section 11 of H.R. 1047 as passed by the House on April 11, 1991, would establish a 1-year period beginning on July 1, 1991, during which veterans with accumulated dividends on account could use the dividends to purchase additional amounts of paid up life insurance and also would authorize the Secretary to provide for additional 1-year open seasons.

Senate bill: No provision.

Compromise agreement: Section 203 follows the House provision.

TITLE III—HEALTH-RELATED PROVISIONS

Eligibility for outpatient dental care

Current law: Under section 612(b)(1) of title 38, outpatient dental services may be furnished for only (a) a condition that is service connected and compensable in degree; (b) a service-connected condition that is not compensable in degree in the cases of certain recently discharged veterans or of former prisoners of war or if the condition is due to combat wounds or other service trauma; (c) a condition that is associated with and aggravating a disability that was incurred in or aggravated by active-duty service; (d) a condition for which treatment was begun while the veteran was receiving inpatient care and for which outpatient services are necessary to complete the treatment; or (e) a condition of a veteran who either has a service-connected disability rated as total or is a former prisoner of war who was detained or interned for a period of not less than 90 days.

House bill: No provision.

Senate bill: Section 212 would authorize VA to provide medically necessary outpatient dental care in preparation for inpatient admission or to a veteran otherwise receiving VA medical care.

Compromise agreement: Section 301 follows the Senate bill.

Requirement for second opinion for fee-basis outpatient dental care reimbursement

Current law: Section 612(b)(3) of title 38 provides that the total amount which VA may expend during any twelve-month period for contract outpatient dental services for an individual veteran may not exceed $500, unless the Secretary determines prior to the furnishing of such services, that, based on an examination of the veteran by a VA dentist (or, where a VA dentist is not available, a contract or fee-basis dentist), the furnishing of the services at a cost in excess of $500 is reasonably necessary.

House bill: No provision.

Senate bill: Section 228 would increase from $500 to $1,000 the amount that VA may expend during any twelve-month period for the furnishing of outpatient dental services to a veteran under a contract or fee-basis arrangement without requiring the determination of the necessity for the services at that cost based on a VA (or contract) examination.

Compromise agreement: Section 302 follows the Senate provision.

Extension of contract authority for alcohol or drug abuse treatment

Current law: Under section 620A of title 38, VA is authorized to contract for care and treatment and rehabilitative services at various community-based treatment facilities for eligible veterans suffering from alcohol or drug dependence or disabilities. This authority expires on September 30, 1991.

House bill: No provision.

Senate bill: Section 214 would have made permanent VA's contract authority for alcohol or drug abuse treatment.

Compromise agreement: Section 303 would extend this contract authority through December 31, 1994.

Extension of authority to make contracts to the Veterans Memorial Medical Center, Republic of the Philippines

Current law: Section 632 of title 38 (a) permitted the President, through September 30, 1990, to authorize the Secretary to enter into contracts with the Veterans Memorial Medical Center (VMMC) in Manila under which (1) the United States was required to provide for payments for hospital care and medical services (including nursing home care) in the VMMC, as authorized by section 624 of title 38 and on the terms and conditions set forth in that section, to eligible United States veterans, and (2) the payments could consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Secretary to the VMMC; and (b) authorized annual appropriations of $1 million, through fiscal year 1990, to be used for making grants to the VMMC to assist in replacing and upgrading equipment and in rehabilitating the physical plant and facilities of the VMMC. In Public Law 101-507, Congress appropriated $484,000 for fiscal year 1991 for such grants.

House bill: Section 104 of H.R. 5740 would have extended for one year, through September 30, 1991, VA's authority to contract with the VMMC to provide medical care to eligible United States veterans and the authorization of annual appropriations of $1 million for grants to the VMMC.

Senate bill: Section 215 would (a) have extended for five years, through September 30, 1995, VA's authority to contract with the VMMC and the authorization of appropriations of $1 million for grants to the VMMC, and (b) have earmarked $50,000 of the annual appropriations for education and training of VMMC personnel.

Compromise agreement: Section 304 would extend through September 30, 1992, VA's authority to contract with the VMMC for the United States veterans and ratify any VA actions that would have been authorized during the period of October 1, 1990, through the date of enactment as if the extension had been enacted on October 1, 1990.

Educational and licensure requirements for social workers

Current law: There are no provisions in current law imposing educational licensure requirements for VA social workers.

House bill: Section 201 of H.R. 5740 would have required that an individual to be appointed as a social worker in the Veterans Health Administration possess a Master's degree in social work from an approved college or university and meet the licensure, certification, or registration requirements of the state in which the individual is to be employed. These requirements would have applied only to newly hired social workers and would not affect individual social workers currently employed by VA.

Senate bill: Section 205 was substantively identical to the House bill.

Compromise agreement: Section 305 contains this provision.

TITLE IV—REAL PROPERTY AND FACILITIES

Enhanced-use leases and special disposition of property

Lease Authority

Current law: Under section 8122 of title 38, VA may lease its property to a third party for no more than three years.

House bill: No provision.

Senate bill: Section 704 would have established a 4-year (FYs 1991-94) "enhanced-use lease" pilot program under which VA would have been able to enter into extended leases of VA-owned properties and accept in-kind consideration in lieu of or in combination with cash if (1) the Secretary determined that the proposed lease would provide a cost-effective means of carrying out or providing appropriate space for an activity contributing to the VA mission and will be consistent with and not adversely affect that mission; (2) selection of the lessee was made pursuant to competitive procedures prescribed after consultation with the Administrator of General Services; (3) the term of the lease did not exceed (A) 35 years if construction of a new building or the substantial rehabilitation of an existing building was involved, or (B) 20 years otherwise; (4) a local public hearing was conducted regarding the proposed lease after prescribed notice was given; (5) the Secretary provided to the Congressional Committees on Veterans' Affairs and published in the Federal Register advance notice of VA's intention to designate the property for an enhanced-use lease (with the deadline for the notice being not less than 90 days before entering into the lease if notice was given in the first three months of a calendar year or not less than 180 days before the lease was entered into if notice was given at any time); (6) a second, updated notice containing a cost-benefit analysis was provided to the Committees not less than 30 days before the lease is entered into; and (7) copies of the proposed lease were provided to the Committees not less than 10 days before the lease was entered into.

The use of this extended lease authority with regard to certain VA properties in Southern California would have been prohibited unless (1) the lease was specifically au-

thorized by law; or (2)(A) the property was used solely for child-care services that were provided exclusively for the benefit of VA employees, individuals employed on the premises of the land, and employees of schools affiliated with VA health-care facilities, and (B) the majority of employees benefitted by the service were employed by the Department and the majority of children served were children of VA employees.

Funds received by VA under an enhanced-use lease would have been deposited in VA's Nursing Home Revolving Fund. Any authority for the Secretary to make cash payments to a lessee under an enhanced-use lease would have been required to be provided for in advance in an appropriation Act.

Construction standards for Federal buildings would have applied to construction under an enhanced-use lease. VA's interest in an enhanced-use lease would have been exempt from State and local taxes.

The number of enhanced-use leases would have been limited to not more than 30 under the pilot program and not more than 10 in any fiscal year, not counting any lease the primary purpose of which is the provision of child-care services for VA employees.

Compromise agreement: Section 401 follows the Senate bill, except that (1) the authority to enter into an enhanced-use lease would take effect on the date of enactment and expire December 31, 1994; (2) the Secretary would not be required to consult with the Administrator of General Services before establishing procedures for the competitive selection of lessees; (3) the local public hearing would consider the proposed designation and the uses to be made of the property under a lease of the general character then contemplated, rather than the proposed lease; (4) the deadline for the first notice to the Committees, and the Federal Register notice, of intention to designate the property for an enhanced-use lease would be not less than 60 days of continuous session of Congress before the lease is entered into; (5) the second notice to the Committees would be due not less that 30 calendar days before the lease is entered into; (6) the requirement for submission of a copy of a proposed lease to the Committees 10 days before the lease is entered into is deleted; (7) VA payments to the lessee for the use of space or services could be made without being expressly provided for in an appropriations Act as long as they are made out of funds appropriated for the activities using the space or services; and (8) the number of enhanced-use leases would be limited to 20.

Special Disposition of Property

Current law: Under section 8122 of title 38, the Secretary may not during any fiscal year transfer to another Federal agency or to a State an interest in real property that has an estimated value in excess of $50,000 unless (1) the transfer (as proposed) was described in the budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, and (2) VA receives compensation equal to the fair market value of the property.

The Secretary may, without regard to the above restrictions, transfer property to a State for use as the site of a State home nursing-home or domiciliary facility if (1) the Secretary has determined that the State has provided sufficient assurance that it has the resources necessary to construct and operate the facility, and (2) the transfer is made subject to the condition that, if the property is used at any time for any other purpose, all right, title, and interest in and to the property will revert to the United States.

House bill: No provision.

Senate bill: Section 704 would have authorized the special disposition of a leased property (for cash or other such consideration as the Secretary and the Administrator of General Services jointly determined was in the best interest of the United States) if (1) during the term of the lease or within 30 days after its expiration, the Secretary determined that the leased property was not needed by VA and initiated action for the disposal to the lessee, (2) the Administrator of General Services was requested to carry out a special disposition, and (3) 90 days advance notice was provided to the Congressional Committees on Veterans' Affairs and published in the Federal Register. Funds from a special disposition, minus expenses incurred by the General Services Administration in disposing of the property, would have been deposited in VA's Nursing Home Revolving Fund.

Compromise agreement: Section 401 follows the Senate provision, with the additional requirement that the Secretary determine that disposition of leased properties under this new authority, rather than under section 8122, is in the best interest of the Department.

Acquisition of real property

Current law: Under sections 230 and 1006 and subchapter I of chapter 81 of title 38, the Secretary may establish regional offices and other field offices and acquire lands or interests in land needed for national cemeteries or medical facilities.

Under section 255 of title 40, United States Code, public money may not be expended for the purchase of land or any interest in land unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired. The Attorney General may delegate approval responsibility under this section to other departments and agencies, subject to the general supervision by and in accordance with regulations promulgated by the Attorney General.

House bill: Section 305 of H.R. 2280 as passed by the House on June 25, 1991, would authorize the Secretary to acquire and use real property for the purposes of sections 230 and 1006 and subchapter I of chapter 81 of title 38 (1) before the title to the property is approved by the Attorney General, and (2) even though the property would be held in other than fee simple interest if the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.

Senate bill: No provision.

Compromise agreement: Section 402 follows the House provision.

Pershing Hall, Paris, France

Current law: No provision.

House bill: H.R. 154 as passed by the House on February 5, 1991, which was derived from H.R. 5506 as passed by the House on October 18, 1990, would place under VA jurisdiction, custody, and control an existing United States memorial, known as Pershing Hall, that was erected in Paris, France, for the use and benefit of American officers and enlisted personnel who served in World War I. The Secretary would be required to administer, operate, develop, and improve Pershing Hall in such manner as the Secretary determines appropriate to meet the needs of veterans (including maintaining an office to disseminate information), respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits. Also, the Secretary would be required, after consultation with the American Battle Monuments Commission, to provide for a portion of Pershing Hall to be dedicated as a memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I. That memorial would be established and supervised by the Commission.

The Secretary would be authorized to enter into agreements for the operation, development, and improvement of Pershing Hall, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated, or 20 years in other areas of the Hall. Consideration for the leases would be in the form of cash or in-kind, or a combination, and would include the value of space leased back to VA, not of rent paid by VA. The Secretary would not be authorized to enter into a lease until the expiration of 60-day period of continuous session of Congress following the date of submission of the proposed lease to the Senate and House Committees on Veterans' Affairs.

This section would establish the Pershing Hall Revolving Fund [PHRF] to be administered by the Secretary, into which would be transferred (1) at such times and in such amounts as determined by the Secretary, up to $1,000,000 in total from funds appropriated to the Department for the construction of major projects, (2) the present balance of the Pershing Hall Memorial Fund, which would be abolished, and (3) proceeds from the operation of Pershing Hall or from any lease agreement involving Pershing Hall. The Secretary would be required to reimburse funds transferred from the major construction account promptly from other funds as they become part of the PHRF. The Secretary of the Treasury would be required to invest any portion of the PHRF that, as determined by the Secretary of Veterans Affairs, were not required to meet current expenses in interest bearing obligations of the United States or guaranteed by the United States. The interest on, and proceeds from any sale of, these obligations would be credited to the PHRF. Additionally, the Secretary would be authorized to expend not more than $100,000 in any fiscal year from the amount in the PHRF—after payment of expenses relating to Pershing Hall and reimbursement of any funds transferred from the major construction account—on projects, activities, and facilities determined by the Secretary to be in keeping with VA's mission. Such expenditures made during a fiscal year would be required to be reported to the Congress by November 1 following the end of that fiscal year.

The Secretary would be authorized to carry out the provisions of this section with regard to provisions of law prescribing procedures and standards for the Secretary in leasing and transferring VA property and declaring such property as excess to VA's needs (section 5022 of title 38), requiring leases of Federal properties to be for cash only and for rental payments to be deposited in the Treasury as miscellaneous receipts (section 393b of title 40, United States Code), and providing for the transfer of excess properties among Federal agencies and for the disposal of surplus properties (sections 483 and 484 of title 40).

Senate bill: No provision.

Compromise agreement: Section 403 follows the House bill but would expressly authorize the Secretary to (1) establish and operate a regional office to assist veterans and their families in obtaining veterans' benefits, and (2) provide allowances and benefits described in section 235 of title 38 to VA em-

ployees who are United States citizens and assigned to Pershing Hall.

TITLE V—MISCELLANEOUS

Duration of Compensated Work Therapy Program

Background: Public Law 102-54 authorizes the Secretary of Veterans Affairs in fiscal years 1992-95 to carry out a demonstration program linking compensated work therapy programs with therapeutic transitional housing.

House bill: No provision.

Senate bill: No provision.

Compromise bill: Section 501 would authorize the Secretary to begin to carry out this demonstration program in fiscal year 1991.

Savings provisions for elimination of benefits for certain remarried spouses

Current Law: Section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), which repealed sections 103(d)(2), (d)(3), and (e)(2) of title 38, thereby eliminating reinstatement of VA benefits eligibility for certain remarried surviving spouses or married children whose disqualifying marriages (including apparent marriages, for surviving spouses) end by death or divorce. This provision became effective for claims for benefits filed on or after November 1, 1990.

Because the effective date is based on when a claim is filed, rather than on when the disqualifying marriage ends, some spouses and children who qualified for reinstatement on October 31, 1990, lost eligibility for reinstatement for any benefits if they failed to apply before November 1, 1990. In some cases, the spouse or child was reinstated to entitlement for one VA benefit, for which they filed a claim prior to November 1, 1990—for example, dependency and indemnity compensation—but not for other VA benefits or services, such as home-loan guaranty, educational assistance, and CHAMPVA benefits.

House bill: No provision, but on April 11, 1991, the House passed in section 12 of H.R. 1047 legislation to provide reinstatement eligibility for all applicable VA benefits for surviving spouses or children whose disqualifying marriages ended prior to November 1, 1990, and who do not remarry or enter into an apparent marriage on or after that date.

Senate bill: No provision. But on June 26, 1991, the Senate Committee ordered reported in section 8 of S. 775 a provision substantively identical to the House provision.

Compromise agreement: Section 502 follows the provisions in section 12 of H.R. 1047 as passed by the House and in section 8 of S. 775 as ordered reported by the Senate Committee.

Agent orange review

Current law: Section 3 of the Agent Orange Act of 1991, Public Law 102-4, enacted February 6, 1991, requires the Secretary of Veterans Affairs to seek to enter into a contract with the National Academy of Sciences (NAS), within two months after enactment, pursuant to which NAS would review scientific information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. The law provides that, if unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS (or the alternative organization) would review and summarize the relevant scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) whether there is an increased risk of the disease among those exposed to herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS (or the alternative organization) also would recommend further studies necessary to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents and would provide follow-up reports at least once every two years for the next ten years.

Current law contains no provision directly addressing the issue of the contractor's potential liability in connection with the Agent Orange study.

House bill: No provision.

Senate bill: No provision.

Compromise agreement: Section 503 would authorize the Secretary to provide liability insurance for the NAS (or the alternative contract organization) to cover any claim for money damages awarded in a legal challenge of the study. Claims for money damages would be required to be based on the negligence of an employee or representative of NAS (or the alternative contract organization) in connection with carrying out its responsibilities under the contract. The Secretary would also be authorized to provide reimbursement for reasonable attorney's fees, incidental expenses, and any judgment not covered by insurance. Such reimbursement would be paid from funds appropriated to carry out the study. In no event would such reimbursement come from the judgment fund authorized by section 1304 of title 31, United States Code.

Section 503 would also change from two months after enactment of the Agent Orange Act to two months after the enactment of this measure the time period after which the Secretary must seek to enter into a contract with an alternative scientific organization.

The Committees expect that the enactment of this provision will enable VA and NAS to conclude quickly the contract contemplated by the Agent Orange Act.

Expansion of authority to accept gifts, bequests, and devises

Current law: Under sections 1006, 1007, and 8301-05 of title 38, the Secretary has authority to accept certain gifts for the benefit of national cemeteries and for veterans' hospitals and homes.

House bill: Section 202 of H.R. 5326 would have allowed the Secretary to accept for use in carrying out all laws administered by the Secretary, gifts, devices, and bequests which would enhance the Secretary's ability to provide services or benefits.

Senate bill: No provision.

Compromise agreement: Section 504 follows the House provision.

Technical amendment relating to collection of certain indebtedness to the United States

Current law: Section 5301(c) of title 38 requires that all sums collected in connection with a debt associated with a veteran's participation in the Retired Serviceman's Family Protection Plan or the Survivor Benefit Plan under chapter 73 of title 10, United States Code, through offsets of veterans compensation or pension be deposited into the Department of Defense Military Retirement Fund under chapter 74 of title 10.

House bill: Section 204 of H.R. 5326 would have required that such collections from the Coast Guard members be deposited into the Retired Pay Account of the Coast Guard.

Senate bill: No provision.

Compromise agreement: Section 505 follows the House provision.

Mr. STUMP. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I strongly support H.R. 1047, as amended, and I associate myself with our distinguished chairman's remarks.

One of the Senate's amendments deserves to be briefly highlighted. The so-called enhanced use provision would set up a pilot program for a concept originally proposed by the administration. If the concept proves itself, it could be very important both to the Department of Veterans Affairs and to the future management of Federal property generally.

It would authorize the VA to lease its real property or building space to private businesses for purposes of benefit to the VA.

The VA would have the right to specified services or to use part of the space in any buildings constructed. Any land involved would remain the property of the VA and leases could be up to 35 years. Businesses should be attracted by favorable commercial locations, the reduction of costs and the opportunity for the profitable extended use of improvements.

To provide direct benefit to the VA and veterans, rather than just the Federal Treasury, 25 percent of the net proceeds from enhanced use activities would be retained by the local facility.

It is not our intention that the local facility would have its budget offset or reduced by the amount retained. Rather, it is our intention that the facility budget would be supplemented as an incentive to local management to make the most of enhanced use.

In these days of deficit reduction and severely pinched operating budgets, this new approach to property management could help maintain and even improve critical Federal services, especially to veterans.

The Secretary of Veterans Affairs, Ed Derwinski, and his Assistant Secretary for Acquisition and Facilities, David Lewis, deserve our particular recognition for initiating and promoting enhanced use at the VA.

Mr. Speaker, H.R. 1047 contains several health-related provisions which were originally contained in H.R. 2280, the Veterans' Health and Research Amendments of 1991, which passed the House on June 25.

The provisions contained in the legislation we are considering today would extend the VA's current contract authority for alcohol or drug abuse treatment by 3 years. This program is due to expire on September 30. The bill would also extend the authority to make contracts to the Veterans Memorial Medical Center in the Philippines.

In addition to these needed program extensions, the measure would make changes to the VA's Outpatient Dental Care Program as requested by the Department and would require that the minimum entry requirement for em-

ployment of a social worker in the VA be a master's degree in conjunction with licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed.

Mr. Speaker, also among the provisions contained in this measure are several which were contained in H.R. 5326, last year's House-passed COLA bill.

They include expansion of the Secretary's authority to accept gifts and bequests to enhance provision of benefits and services to our Nation's veterans, a change in the presumptive period for occurrence of leukemia in veterans exposed to ionizing radiation from 30 to 40 years, and addition of a presumption of service connection to certain radiation-related diseases to reserve components involved in nuclear tests.

For national service life insurace [NSLI] this measure would provide a 2-year application window. Veterans with accumulated dividends would be provided 1-year open seasons in which to purchase additional amounts of paid up national service life insurance. Further, beneficiaries of veterans covered under the service-disabled life insurance would be entitled to receive lump sum insurance payments.

Finally, I wish to thank Chairman MONTGOMERY and the members of the committee's staff for working out a compromise with the other body.

This measure, with its amendments, will enhance benefits for our deserving veterans. I urge my colleagues to support it.

□ 1250

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of this measure, H.R. 1047, the Veterans' Compensation Program Improvement Act of 1991. I want to thank our distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP], and the gentleman from Ohio [Mr. APPLEGATE] for taking care of so many of our concerns with regard to our veterans, and to make more effective many of the veterans' measures that this body has considered and adopted in the past.

H.R. 1047 authorizes improvements in veterans' compensation and pension programs, by allowing the payment of parents' dependency and indemnity compensation less frequently than monthly if the amount of the annual benefit less than 4 percent of the maximum annual rate payable.

Additionally, this measure prohibits a readjustment in the rating schedule from causing a veteran's compensation amount to be reduced unless an improvement in the veteran's disability is shown to have occurred.

Moreover, H.R. 1047 increases the amount of veterans' mortgage life insurance available to a veteran owning a home to the lesser of $90,000 or the amount of the loan outstanding on the home. Currently, the amount is the lesser of $40,000.

Mr. Speaker, this important measure confirms the support in Congress for our veterans by acknowledging certain conditions as service connected. H.R. 1047 creates a 40-year presumptive period for members of the Reserves who were exposed to atmospheric detonation of a nuclear device during active duty or inactive duty for training and who contract specified diseases or illnesses.

Mr. Speaker, this is a significant veterans' comprehensive omnibus measure. Accordingly, I urge the full support of this measure by my colleagues and I thank the leadership of the Committee on Veterans' Affairs for bringing it to the floor at this time.

Mr. STUMP. Mr. Speaker, under my reservation of objection, I am happy to yield to the chairman of the Subcommittee on Compensation, Pension, and Insurance, the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP] for yielding. I want to pay my compliments also to our chairman, the gentleman from Mississippi [Mr. MONTGOMERY], for helping to bring us to where we are today. There is an agreement. It has come back from the Senate with the provisions that we had originally sent over. We have most all that we had asked for, with one exception, and I would like to make this suggestion and question our distinguished chairman.

Mr. Speaker, we had the Veterans Mortgage Life Insurance Program that we had, which I thought was one of the most important aspects of this bill. By raising that amount from $40,000 to $90,000, it would not cost the veterans anything. This is for specially adapted housing.

Mr. Speaker, it is my understanding that the Senate decided they would take this out in conformance with the 1990 Budget Act as pay-as-you-go, but that at a later date, this year, they will come back after they have found the cost savings and provide the money that would help to provide for this very necessary bill.

Mr. Speaker, I would ask the gentleman from Mississippi [Mr. MONTGOMERY], am I correct in assuming that?

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, the gentleman from Ohio [Mr. APPLEGATE] is correct. He is referring to a provision that was contained in H.R. 1047 as passed by the House on April 9, which would have increased insurance coverage under the Veterans Mortgage Life Insurance Program from a maximum of $40,000 to $90,000, which the gentleman was strong in support of this provision. This would have cost $2 million during fiscal year 1992.

Mr. Speaker, in order to hold down the cost of H.R. 1047, the Senate suggested, and it was mutually agreed to, that we would delete this provision from the bill, with the understanding that later this year the provision will be favorably acted on when we can find the $2 million over there. That provision will be put back in the bill.

Mr. APPLEGATE. Mr. Speaker, I thank the distinguished gentleman from Mississippi [Mr. MONTGOMERY] for that explanation, and would thank the gentleman, along with the gentleman from Arizona [Mr. STUMP], for all the work they have put into bringing us to where we are today.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield further, I wish to commend the gentleman from New York [Mr. GILMAN] for his interest in veterans programs. Every bill that we bring up, the gentleman from New York [Mr. GILMAN] is here and has comments on. I certainly want to thank the gentleman for his support over the years in helping veterans.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 1047, which improves the quality and delivery of medical care for our Nation's veterans. The House previously showed its commitment to this type of legislation when it passed a similar bill, H.R. 2280, the Veterans' Health and Research Amendments of 1991, on June 25.

In particular, H.R. 1047 authorizes the DVA to extend its Outpatient Dental Care Program and extends by 3 years the DVA's current contract authority for the treatment of drug or alcohol abuse.

This bill also strengthens the requirements that a DVA social worker must meet prior to being hired. A social worker would be required to have at least a master's degree in conjunction with licensure, certification or registration requirements, if any, of the State in which the social worker is to be employed.

I urge my colleagues to support H.R. 1047 in order to continue to provide our veterans with the quality health care they deserve.

Mr. STUMP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, and include extraneous matter, on H.R. 1047, the legislation just considered.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

VETERANS' COMPENSATION RATE AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1046) to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, as amended.

The Clerk read as follows:

H.R. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rate Amendments of 1991".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 4.8 PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$80" in subsection (a) and inserting in lieu thereof "$84";

(2) by striking out "$151" in subsection (b) and inserting in lieu thereof "$158";

(3) by striking out "$231" in subsection (c) and inserting in lieu thereof "$242";

(4) by striking out "$330" in subsection (d) and inserting in lieu thereof "$346";

(5) by striking out "$470" in subsection (e) and inserting in lieu thereof "$493";

(6) by striking out "$592" in subsection (f) and inserting in lieu thereof "$620";

(7) by striking out "$748" in subsection (g) and inserting in lieu thereof "$784";

(8) by striking out "$865" in subsection (h) and inserting in lieu thereof "$907";

(9) by striking out "$974" in subsection (i) and inserting in lieu thereof "$1,021";

(10) by striking out "$1,620" in subsection (j) and inserting in lieu thereof "$1,698";

(11) by striking out "$2,014" and "$2,823" in subsection (k) and inserting in lieu thereof "$2,111" and "$2,959", respectively;

(12) by striking out "$2,014" in subsection (l) and inserting in lieu thereof "$2,111";

(13) by striking out "$2,220" in subsection (m) and inserting in lieu thereof "$2,327";

(14) by striking out "$2,526" in subsection (n) and inserting in lieu thereof "$2,647";

(15) by striking out "$2,823" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,959";

(16) by striking out "$1,212" and "$1,805" in subsection (r) and inserting in lieu thereof "$1,270" and "$1,892", respectively; and

(17) by striking out "$1,812" in subsection (s) and inserting in lieu thereof "$1,899".

(b) SPECIAL RULE.—The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(l) is amended—

(1) by striking out "$96" in clause (A) and inserting in lieu thereof "$101";

(2) by striking out "$163" and "$50" in clause (B) and inserting in lieu thereof "$171" and "$52", respectively;

(3) by striking out "$67" and "$50" in clause (C) and inserting in lieu thereof "$70" and "$52", respectively;

(4) by striking out "$77" in clause (D) and inserting in lieu thereof "$81";

(5) by striking out "$178" in clause (E) and inserting in lieu thereof "$187"; and

(6) by striking out "$149" in clause (F) and inserting in lieu thereof "$156";

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$436" and inserting in lieu thereof "$457".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$623	W–4	$893
E–2	641	O–1	788
E–3	659	O–2	813
E–4	700	O–3	871
E–5	719	O–4	921
E–6	735	O–5	1,016
E–7	770	O–6	1,147
E–8	813	O–7	1,238
E–9	[1]850	O–8	1,357
W–1	788	O–9	1,456
W–2	820	O–10	[2]1,597
W–3	844		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $917.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,711.".

(2) by striking out "$68" in subsection (b) and inserting in lieu thereof "$71";

(3) by striking out "$178" in subsection (c) and inserting in lieu thereof "$187"; and

(4) by striking out "$87" in subsection (d) and inserting in lieu thereof "$91".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out "$299" in clause (1) and inserting in lieu thereof "$313";

(2) by striking out "$431" in clause (2) and inserting in lieu thereof "$452";

(3) by striking out "$557" in clause (3) and inserting in lieu thereof "$584"; and

(4) by striking out "$557" and "$110" in clause (4) and inserting in lieu thereof "$584" and "$115", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out "$178" in subsection (a) and inserting in lieu thereof "$187";

(2) by striking out "$299" in subsection (b) and inserting in lieu thereof "$313"; and

(3) by striking out "$151" in subsection (c) and inserting in lieu thereof "$158".

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this Act shall take effect on December 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1046 and H.R. 175.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1046, as amended, would provide a 4.8-percent cost-of-living adjustment in compensation and DIC benefits, effective December 1.

Members may recall that the veterans' COLA bill was delayed last year due to some problems in the other body. This year we are proposing a clean bill. It contains no other provisions, I hope the Senate will pass it without amendments.

Before I yield to the very able chairman of the Subcommittee on Compensation, Pension, and Insurance, Mr. APPLEGATE, for an explanation of the bill, I want to thank him for his work on this important measure.

I also want to thank the gentleman from Arizona [Mr. STUMP], the ranking minority member.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. APPLEGATE], the chairman of the Subcommittee on Compensation, Pension, and Insurance.

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, H.R. 1046, as reported, would provide a 4.8-percent cost-of-living adjustment in the rates of compensation for veterans suffering from service-connected disabilities and in the rates of dependency and indemnity compensation [DIC] paid to surviving spouses and children of veterans whose deaths are service-connected.

The increased rates in the reported bill would become effective on December 1, 1991.

While we will not know what the actual change in the Consumer Price Index [CPI] will be until some time in October, the current CBO baseline projects the need for an adjustment in benefit levels of 4.8 percent. The cost-of-living adjustment provided in the reported bill is consistent with the baseline and corresponds exactly with the level of funding provided in the budget resolution for the COLA during fiscal year 1992 of $486 million.

As always, should the actual change in the CPI be higher, I will fully support whatever COLA is necessary to insure that the eroding effect of inflation on these benefits is fully offset.

Mr. Speaker, I want to acknowledge the outstanding leadership of the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, as well as the ranking minority member, the gentleman from Arizona [Mr. STUMP], for they have done outstanding work in taking care of the veterans of this country and seeing that their needs are met.

Mr. Speaker, this is a very important bill, a clean bill, which has been brought to the floor in short order. We certainly hope that with this continued support, we will see that same kind of support come from the other side of this building.

Mr. Speaker, I include for the RECORD a more detailed explanation of the bill as reported.

PROPOSED COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE ADJUSTMENTS

Sections 2 through 7 of H.R. 1046 would provide, effective December 1, 1991, a 4.8 percent cost-of-living adjustment in the rates of compensation and dependency and indemnity compensation.

Should the proposed 4.8 percent rate increase be enacted, the changes in compensation and DIC rates would be as follows:

COMPENSATION AND DIC RATES EFFECTIVE DEC. 1, 1991

	Increase (monthly rate)	
	From	To
Percentage of disability or subsection under which payment is authorized:		
(a) 10 percent	$80	$84
(b) 20 percent	151	158
(c) 30 percent	231	242
(d) 40 percent	330	346
(e) 50 percent	470	493
(f) 60 percent	592	620
(g) 70 percent	748	784
(h) 80 percent	865	907
(i) 90 percent	974	1,021
(j) 100 percent	1,620	1,698
Higher statutory awards for certain multiple disabilities:		
(k)(1) Additional monthly payment for anatomical loss, or loss of use of, any of these organs: one foot, one hand, blindness in one eye (having light perception only), one or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss	66	66
(k)(2) Limit for veterans receiving payments under (a) to (j) above	2,014	2,111
(k)(3) Limit for veterans receiving benefits under (l) to (n) below	2,823	2,959

COMPENSATION AND DIC RATES EFFECTIVE DEC. 1, 1991—Continued

	Increase (monthly rate)	
	From	To
(l) Anatomical loss or loss of use of both feet, one foot and one hand, blindness in both eyes (5/200) visual acuity or less), permanently bedridden or so helpless as to require aid and attendance	2,014	2,111
(m) Anatomical loss or loss of use of both hands, or of both legs, at a level preventing natural knee action with prosthesis in place or of 1 arm and 1 leg at a level preventing natural knee or elbow action with prosthesis in place or blind in both eyes, either with light perception only or rendering veteran so helpless as to require aid and attendance	2,200	2,327
Percentage of disability or subsection under which payment is authorized:		
(n) Anatomical loss of both eyes or blindness with no light perception or loss of use of both arms at a level preventing natural elbow action with prosthesis in place or anatomical loss of both legs so near hip as to prevent use of prosthesis, or anatomical loss of 1 arm and 1 leg so near shoulder and hip to prevent use of prosthesis	2,526	2,647
(o) Disability under conditions entitling veterans to two or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less) or deafness rated at 40 percent of total deafness in one ear (impairment of either or both ears service-connected) in combination with blindness having light perception only or anatomical loss of both arms so near the shoulder as to prevent use of prosthesis	2,823	2,959
(p)(1) If disabilities exceed requirements of any rates prescribed, Secretary of Veterans Affairs may allow next higher rate or an intermediate rate, but in no case may compensation exceed	2,823	2,959
(p)(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 30 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of one ear or service-connected loss or loss of use of an extremity the next intermediate rate is payable, but in no event may compensation exceed	2,823	2,959
(p)(3) Blindness with only light perception or less with bilateral deafness (hearing impairment in either one or both ears is service-connected rated at 10 or 20 percent disabling, the next intermediate rate is payable, but in no event may compensation exceed	2,823	2,959
(p)(4) Anatomical loss or loss of use of three extremities, the next higher rate in paragraphs (l) to (n) but in no event in excess of	2,823	2,959
(q) [This subsection repealed by Public Law 90–493.]	.....	.....
(r)(1) If veteran entitled to compensation under (o) or to the maximum rate under (p); or at the rate between subsections (n) and (o) and under subsection (k), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to such rates	1,212	1,270
(r)(2) If the veteran, in addition to need for regular aid and attendance is in need of a higher level of care, a special allowance of the amount indicated at right is payable in addition to (o) or (p) rate	1,805	1,892
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	1,812	1,899
(t) [This subsection repealed by Public Law 99–576.]	.....	.....

In addition to basic compensation rates and/or statutory awards to which the veteran may be entitled, dependency allowances are payable to veterans who are rated at not less than 30 percent disabled. The rates which follow are those payable to veterans while rated totally disabled. If the veteran is rated 30, 40, 50, 60, 70, 80 or 90 percent disabled, dependency allowances are payable in an amount bearing the same ratio to the amount specified below as the degree of disability bears to total disability. For example, a veteran who is 50 percent disabled receives 50 percent of the amounts which appear below:

	Increase (monthly rate)	
	From	To
If and while veteran is rated totally disabled and—		
Has a spouse	$96	$101
Has a spouse and child	163	171
Has no spouse, 1 child	67	70
For each additional child	50	52
For each dependent parent	77	81
For each child age 18-22 attending school	149	156
Has a spouse in nursing home or severely disabled	178	187
Has disabled, dependent adult child	178	187
Pay grade:		
E–1	594	623
E–2	612	641
E–3	629	659
E–4	668	700
E–5	686	719
E–6	701	735
E–7	735	770
E–8	776	813
E–9	[1] 811	[1] 850
W–1	752	788
W–2	782	820
W–3	805	844
W–4	852	893
O–1	752	788
O–2	776	813
O–3	831	871
O–4	879	921
O–5	969	1,016
O–6	1,094	1,147
O–7	1,181	1,238
O–8	1,295	1,357
O–9	1,389	1,456
O–10	[2] 1,524	[2] 1,597

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $917.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,711.

When there is no surviving spouse receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates are increased as follows:

	Increase (monthly rate)	
	From	To
One child	$299	$313
Two children	431	452
Three children	557	584
Each additional child	110	115

SECTION-BY-SECTION ANALYSIS OF H.R. 1046

Section 1 states that this Act may be cited as the Veterans' Compensation Rate Amendments of 1991.

Section 2 would amend present section 314 of title 38, relating to the rates of service-connected disability compensation.

Subsection (a) of section 2 would amend subsections (a) through (j) of present section 314 to increase by 4.8 percent the basic monthly rates of compensation paid to veterans with service-connected disabilities rated from 10 to 100 percent. The Committee bill would also increase by 4.8 percent:

The higher rates of compensation authorized under subsections (l) through (o) and (s) of section 314 for veterans with certain combinations of severe disabilities;

The maximum amount payable monthly to a veteran under subsection (p), which authorizes the Secretary to pay the next higher rate or intermediate rate to a veteran whose disabilities exceed the requirements for any of the rates prescribed in section 314, or who is both blind and deaf;

The rates payable monthly under subsection (r) to veterans who are in need of aid and attendance; and

The rate payable under subsection (s) to veterans who are permanently housebound.

Subsection (b) of section 2 would authorize the Secretary to increase by 4.8 percent the rates of disability compensation payable to

persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38. Public Law 85–857 generally codified in title 38 of the United States Code the law relating to veterans' benefits; section 10 of that law provides that any person who was receiving benefits as a veteran on December 31, 1958, under public laws administered by the VA but not so codified, is to continue to receive benefits at the rates payable under such public laws or under corresponding provisions of title 38, whichever is the greater, so long as he or she remains eligible.

Section 3 would amend paragraph (1) of present section 315 of title 38, relating to additional compensation payable monthly to veterans with service-connected disabilities rated as 30 percent or more disabling who have spouses, children or dependent parents, to increase those allowances by 4.8 percent. Under paragraph (2) of present section 315, which is not amended by the Committee bill, the additional compensation payable for dependents to veterans rated from 30- to 90-percent disabled is prorated, so that, for example, a veteran rated at 30 percent receives 30 percent of that amount specified in paragraph (1) of section 315.

Section 4 would amend present section 362 of title 38, relating to the clothing allowance payable annually to a veteran receiving compensation whose disability requires the use of a prosthetic or orthopedic appliance or appliances, including a wheelchair, that tends to wear out or tear the veteran's clothing, to increase that allowance by 4.8 percent.

Section 5 would amend present section 411 of title 38, relating to the rates of dependency and indemnity compensation (DIC) for the surviving spouses of veterans whose deaths are service connected.

Clause (1) of section 5 would amend subsection (a) of present section 411 to increase by 4.8 percent the DIC benefit payable monthly to the surviving spouse of a veteran who has died as a result of service-connected disability. Under current law, a surviving spouse's DIC is paid according to the pay grade—service rank—of the deceased veteran. The DIC rate payable to the surviving spouses of veterans who had attained the grades of E–1 through O–10 would be increased by 4.8 percent, and proportionate increases would be provided in the rates payable to the surviving spouses of veterans who had served in positions specified in footnotes 1 and 2 to the table of grades and rates in existing section 411 of title 38, United States Code.

The enactment of these increases would automatically result in identical increases in the benefits payable at DIC rates under sction 418 of title 38 to surviving spouses of certain veterans compensated at the 100-percent rate whose deaths were not service connected.

Clause (2) of section 5 would amend subsection (b) of present section 411 of title 38 to increase by 4.8 percent the dependents' allowance for each child under the age of 18 to a surviving spouse receiving DIC.

Clause (3) of section 5 would amend subsection (c) of present section 411 of title 38 to increase by 4.8 percent the additional amount of DIC payable monthly to a surviving spouse who is a patient in a nursing home or who is helpless or blind or so nearly helpless or blind as to be in need of regular aid and attendance.

Clause (4) of section 5 would amend subsection (d) of present section 411 of title 38 to increase by 4.8 percent the DIC payable monthly to a surviving spouse who is so disabled as to be permanently housebound.

Section 6. Subsection (a) of section 6 would amend present section 413 of title 38, relating to DIC for surviving children of veterans whose deaths were service-connected, to provide a 4.8 percent increase in the monthly rates of DIC payable to the veteran's children where no surviving spouse is entitled.

Benefits payable at DIC rates under section 418 of title 38 to the surviving children of certain veterans compensated at the 100 percent rate whose deaths were not service connected would also be automatically increased as a result of this increase.

Subsection (b) of section 6 would amend present section 414 of title 38, relating to supplemental DIC for certain surviving children.

Paragraph (1) of subsection (b) would amend subsection (a) of present section 414 to provide a 4.8 percent increase in the additional allowance payable monthly to a child eligible for DIC who has attained the age of 18 and who became permanently incapable of self-support before reaching age 18.

Paragraph (2) of subsection (b) would amend subsection (b) of present section 414 to provide a 4.8 percent increase in the DIC payable monthly, concurrently with the payment of DIC to a surviving spouse, to a surviving child who has attained the age of 18 and who became permanently incapable of self-support before reaching age 18.

Paragraph (3) of subsection (b) would amend subsection (c) of present section 414 to provide a 4.8 percent increase in the additional DIC payable monthly, concurrently with the payment of DIC to a surviving spouse, to a surviving child pursuing a course of education approved under present section 104 of title 38.

Section 7 would provide that the amendments made by the Act shall take effect on December 1, 1991.

I want to take just a minute to acknowledge the outstanding leadership of the chairman and the ranking minority member, Mr. STUMP, in bringing this bill to the floor in such short order.

I urge all Members to support passage of this bill.

□ 1300

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1046, the Veterans' Compensation Rate Amendments of 1991.

I want to congratulate the chairman of our committee, SONNY MONTGOMERY, and the chairman of the Subcommittee on Compensation, Pension and Insurance, Mr. APPLEGATE, for bringing this bill to the floor before the August district work period. Also, I wish to commend both gentlemen for preserving H.R. 1046 as a clean bill, particularly in view of the problems we encountered with last year's COLA legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 1046, a measure to increase the rates of disability compensation for veterans.

I would like to commend the gentleman from Ohio [Mr. APPLEGATE] for introducing this important measure, and the distinguished chairman of the Veterans' Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP], for their unceasing efforts on behalf of our Nation's veterans.

H.R. 1046 authorizes a 4.8-percent cost-of-living adjustment [COLA] which will take effect December 1, 1991, for disabled veterans as well as families of veterans who died from service-connected injuries.

Mr. Speaker, 2.5 million service-connected disabled veterans depend on their VA compensation payments and the delay of a VA COLA constitutes an unjust hardship. The passage of this important measure will confirm the support in Congress for our Nation's veterans.

This measure increases the rates of veterans' disability compensation, additional compensation for veterans' dependents, the clothing allowance for certain disabled veterans, dependency and indemnity compensation for surviving spouses and children, and supplemental dependency and indemnity compensation for disabled adult children.

Additionally, H.R. 1046 authorizes the Secretary of Veterans Affairs to adjust administratively the rates of disability compensation payable to persons who are not in receipt of compensation for service-connected disability or death.

Mr. Speaker, last year regrettably, Congress was unable to approve a VA COLA. It's time to send a clear message to our Nation's veterans that Congress acknowledges their diligence and dedication. Let us not permit any delay in approving this year's VA COLA.

Accordingly, I urge my colleagues to fully support this measure.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again I want to point out to my colleagues that this is a 4.8-percent cost-of-living increase for compensation of DIC persons who are affected by this legislation, and I would say we are sorry we had this problem last year on the compensation programs. But thanks to Mr. APPLEGATE and Mr. STUMP, who is the ranking member of this subcommittee, and others, we have the bill before the Congress to vote on today, one of our most important pieces of legislation that we will bring up.

We do have the blue sheets on the Democratic side that further explain this bill and the next bill that we will bring up.

Ms. LONG. Mr. Speaker, today the House will consider the bill H.R. 1046, the Veterans' Compensation Rate Amendments of 1991.

H.R. 1046 would enact a standard 4.8-percent cost-of-living adjustment [COLA] payable

to service-connected disabled veterans and their families for fiscal year 1992. We owe so much to our veterans, and passage of this legislation will reaffirm our commitment to those persons who have made grave sacrifices to protect the United States and our allies.

Last fall, during the budget negotiations, COLA legislation was delayed for so long that it was not enacted during the 101st Congress. As a result, anxious veterans were forced to wait until January of this year to receive the benefits that they have earned through their military service.

I am sure that my colleagues will agree that we must not have a repeat of last year's events. I urge the Congress and President Bush to move quickly and decisively on behalf of veterans by enacting H.R. 1046.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to commend Chairman MONTGOMERY and the ranking member, Mr. STUMP, for their hard work in bringing H.R. 1046 to the floor today.

As the chairman has stated, H.R. 1046, the Veterans' Compensation Rate Amendments of 1991, will provide a 4.8 percent cost-of-living increase, effective December 1, in compensation benefits for service-connected disabled and their eligible dependents.

It is imperative that we pass this legislation in an expedient manner and avoid the fiasco of last Congress when over 2 million disabled veterans were unexpectedly denied a cost-of-living increase before the 101st Congress adjourned. Fortunately this situation was remedied at the start of the 102d Congress when legislation was passed to provide veterans with a cost-of-living increase retroactively. Nonetheless, we did our veterans a great disservice in the 101st Congress, one not to be repeated in the 102d Congress.

I urge my colleagues to support H.R. 1046.

Mr. ALEXANDER. Mr. Speaker, I rise in support of this legislation which recognizes that we owe a debt to those who have been called on to defend our freedom.

They left families and friends to go to Europe or Vietnam or Iraq, because their country called.

Some never came back from those conflicts. Others came back with lifelong disabilities.

There is no way to place a price on either sacrifice.

All we can do is to ensure that they are not forgotten.

For those who returned with disabilities, it is within our power to make their lives as comfortable as possible.

I am happy to see that this bill contains an increase in monthly disability compensation to our veterans with service-connected disabilities effective December 1.

And, I am pleased that increases are also included in payments which go to spouses, children or parents of veterans who died as a result of service-connected disabilities.

These benefits will in no way make up for lives lost or those forever altered by disability, but they can help to make life more comfortable for our disabled veterans or for the relatives of those who paid the ultimate price.

Mr. SMITH of Florida. Mr. Speaker, I rise in support of H.R. 1046. Chairman MONTGOMERY'S amendment is a fine one and is worthy of the support of this body.

The bill increases the monthly disability compensation payments to veterans with service-connected disabilities by 4.8 percent, effective on December 1, 1991, and increases the monthly payments to spouses, children, or parents of veterans who died as a result of service-connected disabilities, also effective on December 1, 1991, by 4.8 percent.

Liberty and justice are the birthright of every person alive. In some nations, however, those rights are trampled on. Once in a very long while, our men and women are called into combat to fight against those who would seek to squelch those inalienable rights. Their service, in which they risk their lives, is an honor to us all.

As we know, many veterans have been wounded in combat. Some of these veterans reside in my south Florida district. I see them often and hear their stories. The patriotism that these people have exhibited is a model for all of us. To slightly increase the amount of money that we given these veterans and their families is a small price to pay for the service that they have given to this country.

That is why I am proud to support the veterans' compensation rate amendments.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1046, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1572

Mr. OLIN. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California [Mr. EDWARDS] be removed as a cosponsor of H.R. 1572.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

HUGH DAVIS MEMORIAL WING

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 175), to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the Hugh Davis Memorial Wing.

The Clerk read as follows:

H.R. 175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CLINICAL WING AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN SALEM, VIRGINIA.

The clinical wing at the Department of Veterans Affairs Medical Center in Salem, Virginia, the construction of which began in 1988, shall be known and designated as the "Hugh Davis Memorial Wing". Any reference to such clinical wing in any law, map, regulation, document, paper, or other record of the United States shall be considered a reference to the "Hugh Davis Memorial Wing".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

H.R. 175 would name a clinical wing at the VA Medical Center in Salem, VA, the Hugh Davis Memorial Wing.

Since 1945, 28 hospitals have been named by Congress in honor of Presidents of the United States and other distinguished individuals.

The naming of a clinical wing for an individual as proposed by H.R. 175 would be the first time a portion of a medical center has been named by the Congress.

Earlier this year, our distinguished colleague from Virginia, Mr. OLIN, introduced H.R. 175 which was referred to our committee. In a very short time the bill received unanimous approval by all members of the Virginia congressional delegation and veterans service organizations chartered in the State. The committee concurs with the sponsors of the legislation that due to the unique management skills and the compassion Mr. Davis displayed in his service to veterans over the years, it is very appropriate that a wing of the medical center bear his name.

Hugh Davis was a World War II veteran. He was inducted into the Army in June 1943 and served with distinction until his discharge in 1946.

Following discharge from the Army, Mr. Davis continued his Federal service with the Veterans' Administration in Nashville, TN. He served the veterans of our country from 1946 until his death in March 1989.

Mr. Davis served as director of the Salem VA Medical Center for almost 17 years. During the course of his career, he held top management positions. Before becoming director at Salem, Mr. Davis served as Assistant Director of the VA Medical Centers in Biloxi, MS, Fayetteville, AR, and Mountain Home, TN.

Mr. Davis served as Director of the VA Medical Center in Hot Springs, SD, until his transfer to Salem in 1972.

Mr. Speaker, I urge my colleagues to support this bill that honors a very dedicated former VA employee.

Mr. Speaker, I yield such time as he might consume to the gentleman from Virginia, Mr. OLIN, the sponsor of this legislation.

Mr. OLIN. Mr. Speaker, I would like to thank the gentleman from Mis-

sissippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP] for bringing H.R. 175 to the floor and for their kind remarks.

Mr. Speaker, I rise today to express my support for H.R. 175, a bill to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the Hugh Davis Memorial Wing.

It is only fitting to name this new outpatient/nursing clinical addition after the late Hugh Davis. As the past Director of the medical center, Hugh Davis was the driving force behind getting the Veterans' Administration to fund this new facility. Mr. Davis' distinguished career spans not only the 17 years he served as Director of the Salem VA Medical Center, but includes a total of 47 years of service for the Federal Government.

His Federal career began in 1942, when Mr. Davis filled a position as a clerk-typist for the U.S. Army—which then drafted him to fight for his country in World War II from 1943 until 1946. Once the war was over, Mr. Davis returned to Federal service with the Veterans' Administration. He continued his education while advancing through the ranks of the Veterans' Administration, holding various fiscal and accounting positions. Elevating him to administrative positions, the VA took Mr. Davis from Tennessee, Indiana, Kentucky, Washington, DC, Mississippi, Arkansas, and finally to Salem, VA, in July 1972, where he remained until his death. In 1980, he was appointed assistant dean of the University of Virginia School of Medicine, and was promoted to associate dean in 1986. Hugh Davis was an active civic leader, as well. He was a member of the board of the United Way, Roanoke Chapter of the American Red Cross, Kiwanis, Veterans of Foreign Wars, American Legion, and a life member of the Disabled American Veterans and the list goes on.

Hugh Davis anticipated the future needs of the veterans in southwest Virginia, and dedicated his career to meeting those needs. He worked tirelessly to achieve a medical center that provided a wide range of high quality medical services for the veterans it served. He was responsible for numerous modernization and construction projects. However, his major construction accomplishment, which was termed by many as his pet, was the new five-floor clinical addition that is scheduled to be finished in 1992. The new addition will contain 268 beds and will provide consolidation of clinics, nursing units, and support services currently located in six separate buildings. This new building will also correct patient privacy, space, and functional deficiencies, which were goals of Mr. Davis throughout his tensure as Director. Hugh Davis deserves at least this memorial for guiding his medical center from an antiquated psychiatric facility to the modern, psychiatric and surgical hospital that it is today.

H.R. 175 has the support of the entire Virginia delegation, the House Veterans' Committee and all the major Virginia veterans organizations. As my friend and colleague, Chairman MONTGOMERY, stated in the CONGRESSIONAL RECORD upon the death of Mr. Davis in 1989:

> He is going to be missed not only at the hospital, but throughout the Virginia veterans community and in the Halls of Congress where he maintained a cooperative working relationship with those of us involved in veterans' affairs.

When family, friends, employees, and the veterans community came to me to request this memorial, it was my honor to introduce this bill. The new clinical addition to the Salem VA Medical Center is a final monument to Hugh Davis for his lifelong dedication to veterans, the Veterans' Administration and his community.

□ 1310

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 175, a bill which will name the new clinical wing of the Department of Veterans Affairs Medical Center in Salem, VA for its former director, Huge E. Davis.

Mr. Davis served as the director of the medical center from July 1972 until his death on March 5, 1989. During that time, Mr. Davis distinguished himself as an outstanding administrator and advocate on behalf of veterans. His distinctive service is highly deserving of this honor.

Mr. Speaker, I urge unanimous passage of H.R. 175.

Mr. Speaker, I yield such time as he may consume to the ranking member on the Subcommittee on Hospitals and Health Care, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, as the ranking member on the Veterans' Affairs Subcommittee on Hospitals and Health Care, I want to lend my support to H.R. 175, which designates a clinical wing at the DVA Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing."

During his 17 years as the director of the Salem VAMC, Mr. Davis spearheaded the medical center's expansion to include an outpatient/nursing clinical addition and a chapel. It is only fitting that a wing of this medical center be dedicated to Mr. Davis in recognition of the contribution he made to providing area veterans with a comprehensive range of services.

I urge my colleagues to support H.R. 175.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds to tell Members that I believe this is certainly worthy.

It is wonderful to help people like Mr. Davis who worked for the Veterans' Department in dedication to helping others.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 175. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON WEDNESDAY, JULY 31, 1991

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, July 30, 1991, it adjourn to meet at 11 a.m. on Wednesday, July 31, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

JOINT REFERRAL OF H.R. 2092 TO COMMITTEE ON FOREIGN AFFAIRS AND COMMITTEE ON THE JUDICIARY

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the bill (H.R. 2092) to carry out obligations of the United States under the U.N. charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from an individual who engages in torture or extra judicial killing, which was originally referred to the Committee on Foreign Affairs, be jointly referred to the Committee on Foreign Affairs and the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING TRANSFER OF CERTAIN NAVAL VESSELS TO THE GOVERNMENT OF GREECE

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2901) to authorize the transfer by lease of 4 naval vessels to the Government of Greece.

The Clerk read as follows:

H.R. 2901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO LEASE.

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease the following "CHARLES F. ADAMS" class guided missile

destroyers to the Government of Greece: "JOSEPH STRAUSS (DDG–16), SEMMES (DDG–18), RICHARD E. BYRD (DDG–23), WADDELL (DDG–24). A lease under this Act may be renewed.

(b) APPLICABLE LAW.—Such lease shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796A; relating to reports to Congress) shall only apply to renewals of the lease.

SEC. 2. COSTS OF LEASE.

Any expense of the United States in connection with the lease authorized by section 1 shall be charged to the Government of Greece.

SEC. 3. CONSIDERATION FOR LEASE.

Norwithstanding section 321 of the Act of June 30, 1931 (40 U.S.C. 303b), the lease of the ships described in section 1(a) may provide, as part or all of the consideration for the lease, for the maintenance, protection, repair, or restoration of the ships by the Government of Greece.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1(a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act unless the lease authorized by that section is entered into during that period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2901. The purpose of H.R. 2901 is to authorize the transfer of four naval vessels to the Government of Greece. These ships have been determined to be not needed for public use. All four vessels have been in the naval inventory for over 20 years. These transfers by lease are pursuant to the United States-Greece Mutual Defense Cooperation Agreement of 1990. Further, since the vessels have exceeded 75 percent of their normal service lives, the rental payments will be waived but all costs for maintenance, repairs, and training will be assumed by the Government of Greece. The lease of these four ships will be at no cost to the U.S. Government. The Congressional Budget Office has prepared a cost estimate of this legislation, which I will submit for the RECORD at this point.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2901, a bill to authorize the transfer by lease of four naval vessels to the Government of Greece, as ordered reported by the House Committee on Foreign Affairs on July 23, 1991. Enactment of the bill would result in no significant costs or savings to the federal government, and would not affect the budgets of state or local governments.

The bill authorizes the lease of four guided missile destroyers to the Government of Greece. Two of the destroyers currently are decommissioned, while two are scheduled to be decommissioned within the next two years. No lease payments would be received for use of the destroyers, but the Government of Greece would be responsible for any costs associated with the lease, as well as for any costs associated with maintenance and repairs.

The provisions of the bill do not affect direct spending or receipts of the federal government, therefore enactment of the bill would have no pay-as-you-go implications.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kent Christensen who can be reached at 226–2840.

Sincerely,

ROBERT D. REISCHAUER.

Mr. Speaker, I fully support the transfer of these ships to the Government of Greece and believe that the transfer will further enhance the close cooperation between our two governments. I urge my colleagues to support this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman the gentleman from Florida [Mr. FASCELL] indicated, the purpose of this legislation is to authorize the transfer of four naval vessels to the Government of Greece.

The administration has assured me that the four guided missile destroyers—U.S.S. *Joseph Strauss*, U.S.S. *Semmes*, U.S.S. *Richard E. Byrd*, and U.S.S. *Waddell*—are no longer needed in the United States active inventory.

Further, the U.S. Navy strongly supports the lease of these vessels to advance the valuable, cooperative relationship that we have developed with the Greek navy.

All costs associated with the initial 5-year lease, including maintenance, repairs, and training, as well as any costs associated with the initial transfer of the destroyers, are to be borne by the Government of Greece.

I support this technical legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I want to commend our distinguished chairman, the gentleman from Florida [Mr. FASCELL] and our distinguished ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] for bringing the measure to the floor at this time.

I call to the attention of my colleagues that this proposal of leasing four *Charles Adams* class guided missile destroyers to the Government of Greece does not encumber our budget in any manner. This bill specifies that any United States' expense involving the lease of these destroyers will be charged to the Government of Greece. The CBO estimates that enactment measure would result in no significant costs or savings to our Government.

I believe that this is an appropriate measure to help one of our important allies in that part of the world.

Accordingly, I urge my colleagues to support the measure.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 2901.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HELSINKI HUMAN RIGHTS DAY

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 264) designating August 1, 1991, as "Helsinki Human Rights Day," as amended.

The Clerk read as follows:

H.J. RES. 264

Whereas August 1, 1991, is the 16th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereinafter in this preamble referred to as the "Helsinki accords");

Whereas on August 1, 1975, the Helsinki accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia.

Whereas the Helsinki accords express the commitment of the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the participating States have committed themselves to "ensure that their laws, regulations, practices and policies conform with their obligations under international law are brought into harmony with the provisions of the Declaration of Principles and other CSCE commitments";

Whereas the participating States have committed themselves to "respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States";

Whereas the participating States have recognized that respect for human rights is an essential aspect for the protection of the environment and for econmomic prosperity;

Whereas the participating States have committed themselves to respect fully the right of everyone to leave any country, in-

cluding their own, and to return to their country;

Whereas the participating States have affirmed that the "ethnic, cultural, linguistic and religious identify of national minorities will be protected and that persons belonging to national minorities have the right to freely express, preserve and develop that identify without any discrimination and in full equality before the law";

Whereas the participating States recognize that "democratic government is based on the will of the people, expressed regularly through free and fair elections; and democracy has as its foundation respect for the person and the rule of law; and democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person";

Whereas on November 21, 1990, the heads of State or government from the signatory States signed the Charter of Paris for a New Europe, a document which has added clarity and precision to the obligations undertaken by the States signing the Helsinki accords;

Whereas the Conference on Security and Cooperation in Europe has made major contributions to the positive developments in Eastern and Central Europe and the Union of Soviet Socialist Republics, including greater respect for the human rights and fundamental freedoms of individuals and groups;

Whereas the Conference on Security and Cooperation in Europe provides an excellent framework for the further development of genuine security and cooperation among the participating States; and

Whereas, despite significant improvements, all participating States have not yet fully implemented their obligations under the Helsinki accords; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1991, the 16th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "Helsinki accords") is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory States to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory State which may be in violation;

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is further requested, in view of the considerable progress made to date, to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain, including the question of self-determination of peoples.

SEC. 2. The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors to the United States of the other 34 Helsinki signatory States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 264, as amended, designating August 1, 1991 as Helsinki Human Rights Day.

This measure, which is similar to legislation we have passed in previous years, was considered by the Subcommittee on Human Rights and International Organizations and the Subcommittee on Europe and the Middle East. The full Committee on Foreign Affairs considered and reported the resolution favorably on July 23, 1991. The committee adopted a technical amendment changing the number of Helsinki signatory countries from 33 to 34 to include Albania, which recently became a member of the Conference on Security and Cooperation in Europe. The resolution was also referred to the Committee on Post Office and Civil Service which, because of the timeliness of the measure, waived consideration so that we could bring it to the floor today. I would like to thank the distinguished chairman of the Post Office Committee, Mr. CLAY for his cooperation in this regard and I include our correspondence on this measure in the RECORD at this point.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 23, 1991.

Hon. WILLIAM CLAY,
Chairman, Committee on Post Office and Civil Service, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Committee on Post Office and Civil Service waive considertion of H.J. Res. 264, to designate August 1, 1991 as "Helsinki Human Rights day", without prejudice to the committee's jurisdiction. This legislation has been referred jointly to the Committees on Foreign Affairs and on Post Office and Civil Service.

Because of the timeliness of this measure, the Committee on Foreign Affairs, which approved H.J. Res. 264 on July 23, 1991, would like to schedule it for Floor consideration under suspension of the rules as soon as possible.

Your cooperation in this matter would be greatly appreciated.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, July 24, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of July 24, 1991, I am pleased to advise you that this Committee is willing to waive consideration, without prejeudice to this jurisdiction, of H.J. Res. 264 ("Helsinki Human Rights Day"), which has been jointly referred to our Committees. I have no objection to your requesting the House to consider this matter.

With kind regards,

Sincerely,

WILLIAM L. CLAY,
Chairman.

Mr. Speaker, while the Helsinki signtory countries, particularly those of Eastern and Central Europe, have made great strides in ensuring respect for human rights and fundamental freedoms in their countries in the last 2 years, serious problems still remain. Whether it is the suppression of the independence movement in the Baltic States, the virtual civil war in Yugoslavia, the plight of the Kurdish minority in Turkey, or the resurgence of antisemitism in Romania, the denial of the rights of ethnic or religious minorities continues to jeopardize these nations' progress toward democratization and the peace and prosperity of the entire region. Recent and disturbing events in several countries involving ethnic minorities demonstrate the need to continue to emphasize protection of human rights, especially ethnic and minority rights.

This resolution, which calls upon the President to commemorate August 1, 1991 as Helsinki Human Rights Day and continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki Final Act by all Helsinki signatories, makes an important contribution toward that end. I commend the chairman of the Helsinki Commission and chief sponsor of the resolution, Mr. HOYER, for his continuing efforts in this regard. Mr. HOYER has long been a champion of human rights around the world and has been relentless in his efforts to keep human rights at the forefront in our foreign policy dialog with every country and that we in Congress and the executive branch make every effort to ensure that the fundamental human rights of all people are respected. For the leadership that the gentleman has shown over the years, especially during his chairmanship of the Helsinki Commission, we should all be extremely grateful. I urge the adoption of the resolution.

□ 1320

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 16 years ago, when the Helsinki Final Act was signed, its ideals were widely praised. The peoples of Europe and North America, whether free or living under Communist dictatorships, all hoped that human rights would one day be respected throughout Europe.

For many years, the Communist governments that signed the Helsinki

Final Act routinely violated its provisions. Now most of these governments have been overthrown by their own people. Democratic government is taking root in Eastern Europe. The events of 1989 were a triumph for the values contained in the Helsinki accords.

Recent events demonstrate the need for continued emphasis on respect for human rights. Tensions between nationalities in Eastern Europe and the Soviet Union and Communist attempts to stop or reverse political reform have resulted in violence, repression, and even civil war. These developments threaten the new freedoms of Eastern Europe and the Soviet Union as well as the stability of all of Europe.

By designating August 1, 1991, as Helsinki Human Rights Day, Congress will publicly reaffirm the crucial importance of the protection and promotion of human rights. I commend the Bush administration for its efforts to support human rights in Europe and hope that it will continue to make the protection of human rights a cornerstone of its European policy.

I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my support for House Joint Resolution 264, designating August 1, 1991, as "Helsinki Human Rights Day." August 1, 1991, represents the 16th anniversary of the signing of the Helsinki accords and I would like to commend our distinguished colleague, the gentleman from Maryland [Mr. HOYER] for introducing this measure.

The legislation before us notes that it has been 16 years since the Helsinki Final Act was signed by 35 signatory nations, each pledged to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all, without distinction as to race, sex, language, or religion." In the years that followed, we have seen our State Department and the Helsinki Commission at the forefront, speaking out against human rights abuses among many of the signatory nations. Very often, abuses in the Soviet Union were among the focal points of our ongoing efforts.

The creation of the Helsinki Commission was an acknowledgment of the growing dominance of the human rights on the international agenda. Its adoption was a landmark event, allowing the United States to press nations on human rights issues despite the frequent protestation that human rights were internal matters.

Mr. Speaker, this legislation authorizes and requests the President to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory states to abide by their obligations, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

The President is further requested to continue his efforts to achieve implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory state which may be in violation.

Accordingly, Mr. Speaker, I commend the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], as well as our ranking Republican member of our Foreign Affairs Committee, Mr. BROOMFIELD, for expeditiously bringing this measure before us. Accordingly, I urge its full support by my colleagues.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER], the chairman of the Helsinki Commission.

Mr. HOYER. Mr. Speaker, I thank the chairman of the full committee, the gentleman from Florida [Mr. FASCELL] and also the gentleman from Michigan [Mr. BROOMFIELD], the ranking member, for as the gentleman from New York [Mr. GILMAN] has stated, their facilitation in bringing this resolution to the floor.

We commemorate in this resolution, which I had the privilege of cosponsoring with many other Members, Helsinki Human Rights Day. I understand the chairman had some nice things to say to me before I got on the floor, and I thank the gentleman for that; but let me say, Mr. Speaker, that no Member of this House or of the U.S. Senate has been any more in the forefront of furthering the Helsinki Final Act and the principles for which it stands than has our chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL].

Indeed, the gentleman from Florida [Mr. FASCELL] embodies the Helsinki Commission as it relates to the United States. Those of us who have had the opportunity of traveling to CSCE meetings know that for the Helsinki signatory states, the gentleman from Florida [Mr. FASCELL] is the leader of the CSCE process in the United States.

As the present chairman of the Helsinki Commission and sponsor of this resolution, I rise in strong support of House Joint Resolution 264, which designates August 1, 1991, as Helsinki Human Rights Day.

Joining me in cosponsoring this bill are over 70 of my colleagues, including all the House Members of the Helsinki Commission.

In addition, identical legislation passed the Senate, I am pleased to say, on June 26, introduced by my distinguished cochairman of the Commission, Senator DECONCINI.

On August 1, 1975, representatives from 35 European states, the United States, and Canada, joined in signing the Final Act of the Conference on Security and Cooperation in Europe. This agreement, commonly known as the Helsinki accords, covers every aspect of East-West relations, including military security, scientific and cultural exchanges, trade and economic cooperation, and human rights and human contacts.

During the past few years, we have seen a dramatic improvement in the human rights situation of the signatory countries. All of the Eastern and Central European nations, as well as all of the Republics of the Soviet Union have held free and fair elections. Most of the countries in Eastern and Central Europe have banished the Communist and Socialist labels from their country titles. Citizens in most instances are free to travel and practice their religion; not universally, but in most instances; independent presses have been established.

The Senate is in the process of ratifying a conventional forces in Europe Reduction Treaty. International cooperation occurs on environmental disasters, such as the Chernobyl nuclear accident. Signatory states are working together to try to settle ethnic conflicts that threaten to tear nations apart which was seen most dramatically demonstrated in Yugoslavia.

□ 1330

This cooperation and these successes are a testament to the Helsinki process—a process that is bringing Europe together and making our world more secure.

Yet, Mr. Speaker, as all of us know problems persist. The Baltic States of Latvia, Lithuania, and Estonia struggle for the independence they so rightly deserve, republics in the Soviet Union seek to determine their futures, free from center intervention; ethnic strife in Armenia and Azerbaijan threatens to explode into a major war. In Eastern and Central Europe, anti-Semitic, anti-Roma and other forms of ethnic intolerance have emerged, sometimes exploding in violence.

It is for the above reasons, Mr. Speaker, that we must continue to speak out on behalf of human rights violations in the 35 Helsinki countries.

Mr. Speaker, as we have seen the progress attained, as we have seen the Iron Curtain come down, as we have seen the intermediate-range missiles accord and now the START accord and the CFE Treaty reached, it would appear that the world is more stable and more secure. I would accept that premise.

But to some degree it is a more complicated world in which we now live, where the nuances, particularly the

human rights violations, may be lost in the possible euphoria of a more secure East/West relationship.

It is, therefore important that we reassert, reemphasize, and recommit ourselves to making sure that the principles of the Helsinki Final Act in reaching a more secure world, a more cooperative world and a more just treatment of individuals is indeed attained.

It is an ideal toward which the free world and indeed all mankind must strive and be eternally vigilant as individuals confront governments that from time to time undermine the rights of its citizens.

Mr. Speaker, I thank the gentleman from Florida, Mr. FASCELL, the chairman of the Committee on Foreign Affairs, for his leadership, which has been so beneficial not only to those of us who live in this Nation, but to the hundreds of millions of people who live in the Soviet Union, and Central and Eastern Europe, who have been benefited by the leadership of chairman FASCELL on these critical issues.

In closing, this resolution once again reasserts our Nation's commitment to the Helsinki accords. I urge adoption of the joint resolution here in the House and urge the other signatory states to fully implement the human rights and humanitarian concerns of the Helsinki Final Act.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me conclude on my side by saying once again that I thank the distinguished gentleman from Maryland [Mr. HOYER], chairman of the Helsinki Commission. Under his leadership it has done an outstanding job.

I want to commend him for the continuation of that work and for the very important point that he just addressed; that is, the fact that there is democratization taking place around the world, and it seems there is a lessening of tensions with the reduction in the confrontation of East and West, but that has also given rise to a whole new series of problems which sometimes have a tendency to be overlooked.

I have never ceased to marvel at man's ability for inhumanity to man; I have never ceased to marvel and be depressed, I might say in a general philosophical sense, about the way we sometimes treat human dignity around the world. And now with the rise of freedoms and liberalization in some places, we find the whole new rash of nuances that the gentleman from Maryland has pointed out, which could give rise to all types of difficulties with respect to human rights and the dignity of individuals. This points out the necessity to do what the gentleman does in this resolution; that is, to emphasize the continuing need of people everywhere, but particularly in the United States as a leader in the world, to remember constantly that this struggle against the inhumane treatment of individuals is a constant struggle.

It seems a shame to have to say that and it seems almost a paradox that you have to pass a resolution to keep reminding people; but the reality is that that is exactly what we have to do, otherwise who would begin to guess at the extent of savagery that would be inflicted on people?

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of House Joint Resolution 264 and as a Member who has long been active in the cause of human rights in Eastern and Central Europe, this Member rises in strong support of Helsinki Human Rights Day.

The Helsinki process has, since its conception in 1975, been a vital instrument in bringing democracy and respect for basic human rights to Eastern and Central Europe.

The Helsinki accords—which call for freedom of thought, conscience, religion, without distinction as to race, sex, or language—are a milestone in man's effort to secure basic rights and liberties.

The progress has been remarkable, and nations that once honored the Helsinki accords in the breach—nations like Poland, Czechoslovakia, and Hungary—now have exemplary human rights records.

The goals of the Helsinki process were reaffirmed at the Paris summit of 1990, as all the nations of Europe—and the United States—now are participants. The Helsinki process also figured prominently at the recent G–7 meeting. No doubt the Helsinki accords will be discussed when President Bush meets with Mikhail Gorbachev in Moscow this week.

The Helsinki process has gained in momentum, and the CSCE is now taking a leadership role in shaping the future of Europe. There is now a permanent secretariat in Prague, and a Conflict Prevention Center in Vienna.

Unfortunately, the Conflict Prevention Center is being sorely tested at this moment—the disintegration of Yugloslavia is the first major test of the post cold war. We all hope and pray that the Helsinki process will be able to contribute to a peaceful settlement in the Balkans.

Yet the crisis in Yugloslavia in no way diminishes the important contribution of the Helsinki accords. It is altogether proper, therefore, that the Congress should recognize Helsinki Human Rights Day.

As an original cosponsor of House Joint Resolution 264, this Member commends the author of this resolution, the gentleman from Maryland [Mr. HOYER] and the many others who have toiled to ensure that the Helsinki process is preserved. This Member would strongly urge the adoption of this resolution.

Mr. PORTER. Mr. Speaker, it is a pleasure for me to join my colleagues in celebrating the signing of the Helsinki final accords by designating August 1, 1991, as Helsinki Human Rights Day.

If there is one word that can summarize the world today, it's change. Fortunately change has meant a victory for those of us who champion human rights.

In the 16 years since the accords were signed, human rights and democracy have become household words. Now, as never before, many governments are striving to bring greater freedoms to their citizens. Where the Helsinki accords once served primarily as a beacon of light for those suffering around the world, now, in many cases, the promises described in those documents have been fulfilled.

But much work remains to be done. Innocent people continue to suffer, often because of ancient ethnic hatreds, and as individuals have gained more freedom, ethnic strife has escalated. We have seen Yugloslavia move dangerously close to civil war in the past weeks since the Republics of Croatia and Slovenia have declared independence. We have also seen the Baltic Republics declare independence from the Soviet Union and the central Soviet Government respond with unnecessary brutality.

It is the responsibility of the Government of every country to respect the fundamental rights of each and every citizen. For if the Government does not set a lawful example for its people, the rule of law does not exist.

And it is our responsibility in the U.S. Congress, to continue to pressure the signatories of the Helsinki final accords to respect all basic human freedoms.

It is with great respect for the Helsinki process that I acknowledge the many accomplishments of the past year and it is a personal honor for me to serve as a member of the Helsinki commission.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the joint resolution, House Joint Resolution 264, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

CONDEMNING RESURGENT ANTI-SEMITISM AND ETHNIC INTOLERANCE IN ROMANIA

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 186) condemning resurgent anti-Semitism and ethnic intolerance in Romania.

The Clerk read as follwos:

H. CON. RES. 186

Whereas in December 1989, after decades of harsh repression by successive communist regimes in Romania, a violent uprising overthrew the brutal dictatorship of Nicolae Ceausescu;

Whereas this historic event has opened the way for the people of Romania to join the other nations of Central and Eastern Europe in establishing a free and democratic political system and a free market economy;

Whereas a reunited Europe, meaning a harmonious community of free and friendly nations, must be established on the basis of full

respect for human rights, including the rights of minorities, and a rejection of anti-Semitism and other forms of ethnic and religious intolerance;

Whereas the newly gained freedom in Romania has allowed the formation of new social and political organizations and the establishment of new publications free of direct government control;

Whereas this freedom has also given rise to a revival of extremist organizations and publications promulgating national chauvinism, ethnic hatred, and anti-Semitism;

Whereas Romania's parliament, instead of condemning these developments, itself stood in a moment of silence recently for the extreme nationalist Ion Antonescu who was responsible for the murder of approximately 250,000 Romanian Jews and was executed as a war criminal;

Whereas the Nobel Peace laureate author and humanist Elie Wiesel recently visited Romania, the country of his birth, to participate in the commemoration of the 50th anniversary of the mass murder of Romania's Jews by the Antonescu government;

Whereas even that recent solemn commemoration was marred by anti-Semitic heckling against Professor Wiesel; and

Whereas these extremist organizations and their activities continue despite the Romanian Government's affirmation of its commitment to fight against discrimination on the grounds of race, color, national origin, or religion: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the resurgence of organized anti-Semitism, and ethnic animosity in Romania, including the existence of extremist organizations and publications dedicated to such repugnant ideas;

(2) urges the Government of Romania to continue to speak out against anti-Semitism and to work actively to promote harmony among Romania's ethnic and religious groups;

(3) calls on the people of Romania to resist the negative appeal of these repugnant organizations and their activities and to strengthen the forces of tolerance and pluralism existing in Romanian society;

(4) calls on the Government of Romania to continue to take steps toward greater respect for internationally recognized human rights, including the rights of minorities; and

(5) calls on the President of the United States to ensure that progress by the Government of Romania in combating anti-Semitism and in protecting the rights and safety of its ethnic minorities shall be a significant factor in determining levels of assistance to Romania.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 186, condemning resurgent anti-Semitism and ethnic intolerance in Romania. This measure, which I introduced last week, along with Representatives GEJDENSON and LANTOS, is similar to Senate Concurrent Resolution 52, introduced by Senators DODD, LIEBERMAN, and LAUTENBERG. It addresses the disturbing signs of anti-Semitism and other forms of bigotry and intolerance that have manifested themselves recently in Romania with little or no opposition from the leadership of that country.

While most of the countries of central and eastern Europe have peacefully transformed themselves from totalitarian dictatorships to nascent democracies, Romania has experienced great difficulty in establishing a stable transition to democracy. Violence marked the overthrow of the Ceausescu government and, unfortunately, violence, or the threat of it, continues to be a hallmark of Romanian political life. Another hallmark appears to be intolerance.

In fact, extremism characterized by a vicious intolerance of minorities, seems to be on the rise in Romania. While I applaud the greater political liberalization that has allowed independent organizations and publications to flourish, I deeply regret the anti-Semitic and bigoted nature of many of these groups and their activities. Just a few weeks ago, we witnessed a disturbing and very regrettable example of this kind of anti-Semitism when Nobel Peace laureate Elie Wiesel was heckled during his speech in Iasi in Romania commemorating the 50th anniversary of the mass murder of Romania's Jews by the war-time Antonescu government. It is absolutely unacceptable and deplorable that such anti-Semitic manifestations can take place in the Europe of 1991.

I believe the Government of Romania should be doing much more to condemn the repugnant anti-Semitic and other ethnically intolerant sentiments prominent in Romania today. While I recognize that some members of the Romanian Government have spoken out against discrimination and intolerance, I note with particular regret that the parliament of Romania has not only refrained from such condemnations of anti-Semitism but has even gone so far as to observe a moment of silence for Ion Antonescu, who was responsible for the deaths of so many Romanian Jews in World War II.

In order to become a true democracy, Romania needs to become a pluralistic society, one where the rights of minorities are respected and differing viewpoints are tolerated. This meaure calls on the Government of Romania to speak out against anti-Semitism more forcefully and to work actively to promote harmony among Romania's ethnic and religious groups. It calls on the people of Romania to reject those organizations promulgating anti-Semitism, and animosity toward ethnic minorities, and to work to strengthen the forces of tolerance and pluralism existing in Romanian society.

□ 1340

If we are going to have true democracy, and it seems that the people of the world have made that commitment now, after all these long years of intolerance, why allow a small group to continue to raise these questions again? These acts are hard to understand, whatever their basis may be in history and it is the kind of thing that we recognize has to be stopped immediately. If not, it just simply continues to feed upon itself and create a problem for all humanity, and that is the purpose of this resolution.

Mr. Speaker, we know the Romanian Government has worked hard. We know they have made some progress. But to stand mute as long as these acts continue, is not the hallmark of a strong democratic effort. It is certainly not the benchmark of anything that is humanitarian.

Therefore, I urge the House to strongly support this important resolution and send a signal to the Government of Romania that the world community will not remain mute and turn a blind eye to acts of ethnic intolerance, wherever they occur and in whatever form they take.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rise of anti-Semitism in Romania is another troubling indication of the ethnic hatreds that must be overcome in Eastern Europe in order to bring about lasting democracy.

Under the former Communist regime, Romania had a poor record on the treatment of ethnic minorities. It is time for the new leaders of Romania to make a break with the past and overcome ethnic prejudice. Community and government leaders must have the courage to confront these prejudices and ensure that the abuses and horrors of the past are not repeated.

I support this resolution calling on the Romanian Government to take steps against ethnic prejudice and to secure the internationally recognized human rights of all minority groups. If such abuses persist without adequate redress or reproach, I would certainly support limiting assistance to the Romanian Government.

Those in Romania who seek to reinterpret or glorify the Holocaust must not go unchallenged. I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 186, and I commend the gentleman from Florida, [Mr. FASCELL] for his outstanding work in introducing it.

In 1989, the world watched as decades of rule by one of the most ruthless and dictatorial regimes in history, the

Ceaucescu regime in Romania, came to a swift and violent end. The world hoped and prayed that Romania had had its last taste of repression and tyranny. It was hoped that Romania would rapidly assume a role among the community of nations of Central and Eastern Europe in establishing a free and democratic political system, and movement toward a free market economy.

The downfall of communism should represent the establishment of a harmonious community of free and friendly nations based on full respect for human rights, including the rights of minorities and a rejection of anti-Semitism and all other forms of racism and prejudice.

The new-found freedom in Romania has allowed the formation of new social and political organizations and the establishment of new publications free of direct Government control. Regrettably, this freedom has also given rise to a revival of extremist organizations and publications promulgating national chauvinism and anti-Semitism.

Mr. Speaker, this resolution condemns the resurgence of anti-Semitism and ethnic animosity in Romania and calls on the Romanian Government to work actively to promote harmony among Romania's ethnic and religious groups, and calls upon the Romanian people to resist the negative appeal of these racist messages that are becoming so prevalent in Romanian society.

Accordingly, Mr. Speaker, I urge my colleagues to fully support passage of this measure.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, let me first of all thank the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], for yielding this time to me. I also want to commend him for introducing this resolution and for facilitating its consideration by the House.

Mr. Speaker, I asked to speak on the resolution because it has a kind of special significance for me. Almost a century ago my grandmother came to the United States from Romania, and in 1977, during the course of a trip to Romania, I undertook to visit the city in Romania from which she had come. It is known as Iasi.

Mr. Speaker, when I got to Iasi, knowing really nothing about it, I had no idea whether it was a little village or a large city. I discovered, much to my amazement, that it was the second largest city in the country. It had a Jewish community of about 4,000 people.

But what most interested me was that, around the turn of the century, when my grandmother had come here as a young woman, Iasi was considered the Jerusalem of Eastern Europe. There were over 150 synagogues, and a flourishing Jewish community. I was told that the first Yiddish play in history was performed there shortly before the turn of this century.

But what most moved me about my experience in Iasi was the discovery that in June 1941, almost 50 years ago, 1 week after the Nazis had commenced their invasion of the Soviet Union and other parts of Eastern Europe, a pogrom took place in Iasi at the hands of the Romanians themselves in which several thousand Jewish people in the city were rounded up, herded to the town square where they were all killed by machine gun fire. Another several thousand Jewish people were then put on a train, which became known as the "Train of Death," and that train simply shuttled back and forth around the Romanian countryside for a week or two without stopping, without opening the doors to provide the people with food, or water, or anything else, until literally every one of the Jewish people from Iasi who had been put on that train had died. It subsequently became known as the Iasi pogrom, one of the most terrible of all the spontaneous pogroms that took place in Eastern Europe at that time.

I subsequently discovered, by the way, that the Israeli Ambassador to the United States several years ago, Meir Roseanne, was a young boy growing up in Iasi at the time. He was only 9 when the pogrom took place, and he and his parents survived because they hid in the basement of their home. But that was a very traumatic experience. While I was in Iasi, they took me to the Jewish cemetery where they have a massive grave for all of the victims of the Iasi pogrom, and on the headstone of that grave they have a quotation from the chief rabbi of Romania. He had delivered a eulogy many years after to the people who had died there, in which he said that on that day the Sun and the Moon stood still because of the shameful events that were taking place in Iasi.

□ 1350

That is why I find it so incredible that in spite of the tragic fate which befell the Jewish community in Romania, as in so many of the other countries of Eastern Europe, even now more than a half a century after those terrible events took place, things are happening in Romania which suggest that the people of that country do not seem to have learned the lessons of their own tragic history.

I simply cannot understand how it is possible for the Romanian Parliament to be adopting resolutions paying tribute to a man who is responsible for these events.

Now the tyrant Ceausescu is gone and a new chapter is supposed to be beginning in Romanian history. All of us here hope that it will now be possible to develop a much closer and more cooperative relationship with a truly democratic Romania. But I think it is very important for the leaders of Romania and for the Romanian people to know that any new and more creative and constructive and enduring relationship between the United States and Romania will not be possible if the people and parliament of that country, instead of condemning the more horrible and inhumane aspects of their history, instead pass resolutions celebrating it.

So I think this is a constructive resolution. I think it is appropriately worded. I think it sends a very important but respectfully phrased message to the people of Romania. Hopefully they will give it the consideration to which it is entitled, as they decide how best to deal with their own past and the future.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to associate myself with the remarks of the chairman and the ranking member, the gentleman from Michigan [Mr. BROOMFIELD], and the gentleman from Ohio [Mr. GILLMOR], as well as the moving remarks of the gentleman from New York [Mr. SOLARZ], who has a very personal response—as do so many of our fellow citizens as they recall parents, spouses, brothers and sisters, relatives, friends, and neighbors who have suffered as a result of the irrational hatreds and the vilest of acts visited upon one human being by another.

Mr. Speaker, at the recent CSCE experts meeting on national minorities, anti-Semitism and ethnic intolerance were prominent among the issues raised by members of the Helsinki Commission staff who served on the U.S. delegation. In recent months, the American press has focused much attention on the situation in Romania. The disturbing wave of anti-Semitism and ethnic hatred in Romania, expressed in the extremist press and in the actions of certain organizations, has understandably aroused concern.

On June 4, the Government of Romania issued an official declaration condemning and distancing itself from anti-Semitic and racist press articles. This is a welcome step forward, especially given the ambiguous relationship that some Romanian officials, including the Prime Minister, have entertained with the extremist press thus far. But in a climate of instability and tension, occasional statements may not be enough. Leadership demands a bold and consistent demonstration of beliefs, especially when they are controversial. Leadership demands setting a clear standard for others.

Mr. Speaker, individuals who hate Jews—or for that matter, any other minority—can be found in any society, unfortunately, including our own. The issue we should address, therefore, is the willingness of governments to respond to such hatred and activities and combat the influence of such people and groups. We should not advocate the restriction of freedom of speech or association. Indeed, our country rigorously defends those rights, even when it means defending the right to favor intolerance.

But when intolerance inspires criminal acts, those acts must be severely criticized and swiftly prosecuted. And leaders at every level of government should openly and loudly condemn such attitudes and actively promote tolerance, mutual understanding, and equal rights.

That is what the Helsinki Final Act was about, in many respects. Mr. Speaker, anti-Semitism has persisted through the ages. Its pernicious effects are harmful not only to Jews but also to the non-Jews whose minds it corrupts and whose humanity it undermines.

Mr. Speaker, Romania is facing a tremendous series of challenges as it struggles to make the transition to a market economy and a democratic society, but religious or ethnic intolerance could hinder progress by dividing society at a time when cooperation and mutual respect are essential.

It is ironic that Romania for the most part under Ceausescu banished or at least allowed to emigrate most of its Jewish population. There remains in Romania a small residue of the once large Jewish population.

Religious or ethnic intolerance, as I said, could hinder the progress that Romania is attempting to make.

On July 24, the Romanian Ministry of Culture urged the Government to reprimand two of the most vicious papers, Romania Mare and Europa, for what has been called "incitement to violence and hatred among ethnic groups."

Mr. Speaker, this century has been replete with the chronicles of millions of deaths arising out of the hatred that we know as anti-Semitism or racism or some other manifestation of irrational, negative feelings of one individual toward another.

I commend the chairman and the ranking member for presenting this resolution. It is an important statement, a reaffirmation that our focus continues to be on the proper and just treatment of individuals by their government and by their fellow citizens.

Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I want to commend my distinguished colleagues Mr. FASCELL, Mr. LANTOS, and Mr. GEJDENSON for bringing before the House the issues of anit-Semitism and ethnic intolerance in Romania.

These issues are timely indeed, not only in Romania but throughout East-Central Europe and in all 34 CSCE participating states.

At the recent CSCE Experts Meeting on National Minorities, anti-Semitism and ethnic intolerance were prominent among the issues raised by members of the Commission staff who served on the U.S. delegation.

In recent months, the American press has focused much attention on the situation in Romania. The disturbing wave of anti-Semitism and ethnic hatred in Romania, expressed in the extremist press and in the actions of certain organizations, has understandably aroused concern. On June 4, the Government of Romania issued an official declaration condemning and distancing itself from anti-Semitic and racist press articles.

This is a welcome step forward, especially given the ambiguous relationship that some Romanian officials, including the Prime Minister, have entertained with the extremist press thus far. But in a climate of instability and tension, occasional statements may not be enough. Leadership demands a bold and consistent demonstration of beliefs, especially when they are controversial. Leadership demands setting a clear standard for others.

Individuals who hate Jews—or other minorities—can be found in any society, including our own.

The issue we should address is the willingness of governments to respond to such activities and combat the influence of such people and groups. We should not advocate the restriction of freedom of speech or association; indeed, our country rigorously defends those rights, even when it means defending the right to favor intolerance. But when intolerance inspires criminal acts, it must be prosecuted. And leaders at every level of government should openly and loudly condemn such attitudes, and actively promote tolerance, mutual understanding, and equal rights.

Mr. Speaker, Romania is not alone in confronting this problem. In the Soviet Union, the loosening of central controls over society has liberated many anti-Semitic groups and newspapers associated with official organizations. Communist forces and candidates in elections have tried to discredit reform and reformers by linking them to Jews, and the Soviet leadership appears reluctant to condemn anti-Semitism unequivocally and openly.

Anti-Semitism has persisted through the ages. Its pernicious effects are harmful not only to Jews but also to the non-Jews whose minds it corrupts and whose humanity it undermines.

Yet it is particularly troubling in societies undergoing transitions, since anti-Semitism has historically been tied to forces of reaction. Its appearance in the political arena in unsettled times strikes at the prospects for lasting, fundamental reform and democratization. It is precisely because antidemocratic forces have attacked democracy and freedom of opportunity—including economic opportunity—by labeling them as "Jewish" or "pro-Jewish" that political leaders who truly value democracy should take a public stand.

Mr. Speaker, Romania is facing a tremendous series of challenges as it struggles to make the transition to a market economy and a democratic society. But religious or ethnic intolerance could hinder progress by dividing society at a time when cooperation and mutual respect are essential. On July 24, the Romanian Ministry of Culture urged the Government to reprimand two of the most vicious papers, Romania Mare and Europa for what has been called "incitement to violence and hatred among ethnic groups."

We should encourage our colleagues in Romania, and in other countries undergoing transition, to take a strong stand on these issues, and to actively promote tolerance and understanding. I believe that our own history, and our ongoing efforts to foster interethnic harmony, are testament both to the advances that can be made and to the need for responsible governments to tackle such issues diligently and consistently.

Again, I want to thank my colleagues Mr. FASCELL, Mr. LANTOS, and Mr. GEJDENSON for bringing these important issues before the House. They are issues that touch the very bedrock of democratic values, and they are especially vital in these swiftly changing times.

Mr. FASCELL. Mr. Speaker, I thank the distinguished chairman of the Helsinki Commission, the gentleman from Maryland [Mr. HOYER]. I concur wholeheartedly in his remarks, and I agree with him on the importance of this resolution.

Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I thank the chairman for yielding me the time and also for his leadership on this very important issue.

I rise in support of the legislation which will strongly condemn the resurgence of organized anti-Semitism and ethnic animosity in Romania. In the last 2 years, we witnessed some truly remarkable events in Eastern and Central Europe. Perhaps one of the most gratifying of all was the overthrow of Ceausescu in Romania. Sadly, however, it was easier to do away with the man than to do away with the legacy of hatred, prejudice, and violence that were hallmarks of his reign of terror.

In the year and a half since the end of the Ceausescu era, there have been far too many instances of organized acts demonstrating racism, anti-Semitism, and ethnic prejudice. Outright acts of violence have been perpetrated against the Gypsy minority and against the ethnic Hungarians living in their ancestral homeland of Transylvania.

In 1989, shortly after the revolution, ethnic Hungarians were victims of premeditated, well-organized street violence that ended in bloodshed and grave injury to many community leaders. The tragic irony is that the revolution that delivered all Romanians from their ordeal under Ceausescu began in the churches of Transylvania.

More recently, Mr. Speaker, against the backdrop of the solemn 50th anniversary of the mass murder of Jews by

the Romanian army, the parliament of Romania celebrated the memory of Ion Antonescu, who himself was responsible for the murder of approximately 250,000 Romanian Jews and indeed was executed as a war criminal.

□1400

During consideration of laws pertaining to the Romanian police, the lower house of Parliament struck from the text the word "anti-Semitism" that otherwise banned racism, facism, and xenophobia. The matter is still pending in the Romanian Parliament.

Mr. Speaker, it is critically important for us to send, as this resolution does, a very clear message to the Romanian people, that the Government has sent signals, the Parliament has sent signals, that anti-Semitism is a way of life in Romania and will continue to be such. It has sent signals that violence against ethnic Hungarians, violence against Gypsies, and violence against other ethnic minorities will be tolerated by the Government.

Mr. Speaker, it is critical for us to send a loud and clear message, as this resolution does, that any attempt on the part of the Romanian Government to achieve most-favored-nation trading status, to achieve any kind of closer relationship with the United States, to join fully the world economy, will be dependent and heavily dependent on their adopting the most minimal standards of human rights for all of their citizens, and on their condemning in the strongest possible terms the horrors of the Nazi era Iron Triangle in Romania, and on their willingness to recognize and live with that history, and not try and pass resolutions, not just to forget that history, but indeed to celebrate mass murderers. That sticks in the craw of every single American, and it is critical for us to send that message to the Romanian Government and the Romanian Parliament.

Mr. Speaker, I urge Members to vote for this resolution.

Mr. GREEN of New York. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 186, which condemns resurgent anti-Semitic and ethnic intolerance in Romania.

The newly gained freedom of expression as a result of the December 1989 overthrow of the Communist regime of Nicolae Ceausescu has led to the formation of new social and political organizations within Romania. Unfortunately, at the same time, however, that also had led to a revival of ethnic hatred and anti-Semitism.

The Romanian Parliament, instead of condemning those developments, recently held a moment of silence for Ion Antonescu, who was responsible for the murder of approximately 250,000 Romanian Jews. He later was executed as a war criminal.

In addition, most recently, when Nobel Peace laureate author, humanist, and Holocaust survivor Elie Wiesel visited Romania, the country of his birth, on the 50th anniversary of the mass murder of Romania's Jews, he was confronted with anti-Semitic heckling.

I also long have been concerned with the Romanian Government's treatment of those of Hungarian origin residing in Transylvania. The Government repeatedly has attempted to stamp out their language and cultural identity. That clearly is reprehensible.

Those actions must not go unnoticed by the rest of our world. Acts of ethnic bigotry and anti-Semitism will not be tolerated.

Mr. PORTER. Mr. Speaker, I rise in support of House Concurrent Resolution 186, condemning religious and ethnic intolerance in Romania.

At the end of 1989, a group of former Communists, dissidents, army generals, and others violently overthrew the Communist dictator of Romania, Nicolae Ceausescu. A new government was formed after multiparty elections were held 6 months later.

At first there was strong international support when the newly formed Government of Romania stated its commitment to economic reform and the improvement of human rights conditions.

It has become apparent, however, that, although great advancements have been made in human rights, there are still many serious concerns and Romania's human rights record remains dismal.

Ethnic minorities continue to seriously suffer under the central Romanian Government. Hungarians in Transylvania are systematically denied the rights accorded other Romanians, and Gypsies throughout the country are treated as second-class citizens. In addition, renewed incidents of anti-Semitism have led Romanian Jews to fear Government policies toward ethnic and religious minorities.

It is clear that Romania faces an awesome task of creating a free and fair Government out of the ruins of one of the most repressive Communist regimes in Eastern Europe. But without respecting the fundamental rights of each and every individual in their country, Romania will not move forward and enter the community of free nations.

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. ATKINS] for his most eloquent statement and reasoning for this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 186.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 186.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REGARDING HUMAN RIGHTS ABUSE IN THE ISLAMIC REPUBLIC OF MAURITANIA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution—House Concurrent Resolution 176—expressing the sense of the Congress regarding human rights violations in the Islamic Republic of Mauritania, as amended.

The Clerk read as follows:

H. CON. RES. 176

Whereas the Government of the Islamic Republic of Mauritania, under the leadership of Colonel Maaouya Ould Sid'Ahmed Taya, engages in a consistent pattern of gross violations of internationally recognized human rights;

Whereas the Department of State, in its Country Reports on Human Rights Practices for 1990, stated that the human rights situation in Mauritania continued to deteriorate in 1990, with the government engaging in extrajudicial killings and torture;

Whereas political power in Mauritania remains firmly in the hands of the ruling "Beydanes" (Moors of Arab/Berber descent) and has been used to persecute and marginalize black Mauritanians from the Halpulaar, Wolof, Soninke, and Bambara ethnic groups;

Whereas members of these ethnic groups have been subjected to gross abuses of human rights by the Government of Mauritania, including the following: (1) the forcible expulsion in 1989 and 1990 of up to 60,000 black Mauritanians into Senegal and 10,000 into Mali, where most continue to reside in refugee camps; (2) the burning and destruction of entire villages and the confiscation of livestock, land, and belongings of black Mauritanians by the security forces in 1989 and 1990 in an effort to encourage their flight out of the country; (3) the death in detention as a result of torture, neglect, or summary execution of at least 500 political detainees, following the arrest of between 1,000 and 3,000 black Mauritanians in late 1990 and early 1991; (4) discrimination against non-Hassaniya-speaking black Mauritanians in all walks of life including unequal access to education, employment, and health care; (5) an aggresive policy of "Arabization" designed to eradicate the history and culture of black ethnic groups; and (6) the use of state authority to expropriate land from black communities along the Senegal River Valley through violent tactics;

Whereas, despite the formal abolition of slavery in 1980, the practice continues in regions of Mauritania;

Whereas on June 5, 1991, seven opposition political leaders were arrested in Mauritania after they announced the formation of a coalition of opposition political groups; and

Whereas these gross abuses of human rights violate Mauritania's obligations under the Universal Declaration of Human Rights, the Convention to End All Forms of Racial Discrimination, the Convention on the Abolition of Slavery, the African Charter on Peoples' and Human Rights, and provisions of the Mauritanians Constitution: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) deplores and condemns the Government of Mauritania's persecution of non-Hassaniya-speaking black Mauritanians and the continued practice of slavery in Mauritania;

(2) calls upon the Government of Mauritania to abide by its international obligations and the provisions of the Mauritanian Constitution to protect the rights of all Mauritanians;

(3) calls upon the Government of Mauritania to permit an impartial investigation by independent Mauritanian organizations into the death in detention of hundreds of black Mauritanians and to bring to justice those responsible;

(4) calls upon the Government of Mauritania to permit international human rights and humanitarian organizations (including the International Committee of the Red Cross, Africa Watch, Amnesty International, and international medical organizations) to conduct fact-finding missions to Mauritania;

(5) calls upon the Government of Mauritania to take immediate steps to enforce Mauritanian law and end the practice of slavery;

(6) welcomes recent actions by the Government of Mauritania, including the amnesty and release in April 1991 of hundreds of political prisoners held without charge or trail;

(7) further welcomes President Taya's announcement on April 15, 1991, promising legislative elections and allowing political parties to be formed;

(8) regrets that, despite such promises, Mauritanian authorities nonetheless arrested in early June 1991 a number of trade unionists and government critics who had called for greater democratization;

(9) welcomes the diminution of tensions between Senegal and Mauritania, and encourages both governments to take actions to prevent a recurrence of the events of April 1989 by taking special measures to protect each other's nationals within their borders;

(10) commends the Department of State for its thorough reporting on human rights abuses in Mauritania in the Country Reports on Human Rights Practices for 1990; and

(11) calls upon the President to take the following actions to convey the concern of the United States about gross violations of human rights in Mauritania:

(A) Publicly condemn abuses of human rights such as killings and imprisonment of black Mauritanians and the continued practice of slavery.

(B) Encourage the appointment of a special rapporteur on Mauritania at the United Nations Human Rights Commission.

(C) Oppose loans to Mauritania in the World Bank and the African Development Fund (except for loans to meet basic human needs) in accordance with section 701 of the International Financial Institutions Act.

(D) Encourage the Government of France, the Government of Spain, the Government of Germany to limit assistance to Mauritania to humanitarian assistance provided through private voluntary organizations, and oppose loans to Mauritania in the World Bank and the African Development Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is growing concern among Members of Congress, as well as the international human rights community, over reports of serious human rights violations in Mauritania. The original sponsors of this legislation, Mr. WEISS, Mr. PAYNE, and Mr. BURTON, address these concerns in House Concurrent Resolution 176.

House Concurrent Resolution 176 is a bipartisan initiative which cites the abuses currently being leveled by the Republic of Mauritania. These abuses include the alleged practice of torture, summary execution, and forced deportation.

The ethnic group most victimized are the black Mauritanians who continue to suffer from their Government's policy of so-called Arabization. Though the Government formally outlawed the practice of slavery in 1980, these laws have not been enforced and slavery continues to be a way of life for many black Mauritanians. We also deplore the expulsions of black Mauritanians, the burning and destruction of their property and the manner in which they are treated both in and out of prison.

During the recent markup of House Concurrent Resolution 176, held by the Subcommittee on Africa, which I chair, and the Subcommittee on Human Rights and International Organizations, chaired by my friend, the distinguished gentleman from Pennsyvlania [Mr. YATRON], this measure was favorably received as it passed both subcommittees unanimously. This resolution condemns the above-mentioned human rights violations and calls on the Mauritanian Government to abide by its international obligations and to protect human rights.

House Concurrent Resolution 176 calls upon the President to publicly condemn the human rights abuses in Mauritania and to encourage the appointment of a special rapporteur on Mauritania at the U.N. Human Rights Commission. It further requests that the President oppose loans to Mauritanians in the World Bank and the African Development Fund, except for basic human needs. This measure also encourages the Governments of France, Spain, and Germany to limit their assistance to Mauritania.

I want to commend the original authors of this legislation for their commitment to human rights, Mr. WEISS, Mr. PAYNE, and Mr. BURTON, for their diligent efforts of this particular issue. I urge my colleagues to support this very worthwhile measure.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my support for House Concurrent Resolution 176 and commend my colleagues on the Foreign Affairs Committee, especially TED WEISS, GUS YATRON, and DAN BURTON, for introducing this resolution.

For years, the Government of South Africa has been condemned, and rightly so, for its denial of basic human rights to a majority of its citizens. But human rights abuses against black populations in other parts of Africa have largely been ignored.

For many years, Mauritania's ruling Arab/Berber population has pursued a policy of Arabization of the entire country. As a result, many black Mauritanians have suffered deportation, death, and discrimination at the hands of the Government. In the last 2 years, up to 70,000 blacks have been deported, and between 1,000 and 3,000 have been arrested.

Not only does the Mauritanian Government brutally disregard the rights of many of its citizens, but it firmly allied itself with Iraq during the Persian Gulf war. The administration should consider putting increased pressure on the Mauritanian Government to respect the rights of all its citizens.

House Concurrent Resolution 176 offers some useful proposals for the administration to consider regarding United States policy toward Mauritania. I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my support for House Concurrent Resolution 176, a bill to express the sense of Congress regarding human rights violations in the Islamic Republic of Mauritania. I commend the gentleman from New York [Mr. WEISS] for bringing this important matter to our attention.

Mr. Speaker, our Nation has always stood up for freedom and democracy. We are very fortunate to live in a world where more and more nations are embracing these sacred values. But this makes it all the more important that the United States remain vigilant in its attitude toward those nations that refuse to recognize the sanctity of individual human rights. The lesson of Iran must remain fresh in our memory.

Mr. Speaker, one such nation that refuses to recognize the rights of the individual is the Islamic Republic of Mauritania. Under the leadership of Col. Maaouya Ould Sid'Ahmed Taya, Mauritania has entered the 1990's with a deteriorating human rights record. Mauritania is ruled by a military committee backed up by a security force of approximately 16,000 members. These armed forces have been responsible for widespread human rights abuses and often appear to report to no one.

Perhaps the worst of the Mauritanian's abuses has been the illegal, summary expulsion of tens of thousands of Senegalese Nationals who were perceived by the Government as a threat. As many as 45,000 Senegalese

Mauritanians are camped on the other side of the Mauritanian/Senegalese border, prohibited from returning home by the Government. Today the conditions along this border have deteriorated into an unbridled frontier justice. Due process of law is nonexistent and torture and execution are rampant.

The Government of Mauritania has also displayed utter contempt for human rights through its treatment of non-Hassayian-speaking black Mauritanians. Although no exact figures are available, substantial numbers of executions have been reported in virtually every village along the Senegal River. Security forces have been executing at the slightest pretense, including two young boys who were killed for refusing to hand over a cow to security forces. This is outrageous.

Mr. Speaker, the inhuman behavior of the Mauritanian Armed Forces has no place in our modern world. It cannot, and must not, go unnoticed by the rest of the world. Mauritania is a nation in which freedom of speech has become a fantasy and slavery a reality.

I strongly urge our colleagues to join with the sponsors of this bill to publicly condemn these human rights abuses. I also join in calling on our President to encourage the appointment of a special rapporteur on Mauritania at the United Nation Human Rights Commission and to oppose loans to Mauritania in the World Bank and the African Development Fund.

President Bush has expressed his support for the establishment of a new world order. Mr. Speaker, I deeply believe that this order must be ethical and based on the sanctity of all human rights.

Accordingly, House Concurrent Resolution 176 is a strong step in that direction and I call upon my colleagues to fully support this measure.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

□ 1410

Mr. BEREUTER. Mr. Speaker, it has been correctly noted that human rights conditions in the African nation of Mauritania are absolutely deplorable.

As ranking Republican on the Subcommittee on Human Rights and International Organizations, this Member participated in a recent hearing on this issue. That hearing brought to light absolutely appalling conditions, where none of the basic liberties that we Americans take for granted are permitted.

In particular, to find that slavery remains a regular practice, in this day and age, was absolutely astounding. Although slavery was officially abolished in 1980, there is no enforcement mechanism, and no one is ever charged with violating the antislavery laws.

The forcible expulsion of tens of thousands of black Mauritanians into Senegal, with the military seizing their property and literally forcing them to flee at bayonet point, represents the worst sort of inhumanity. When people protest, they have either been summarily executed, or they have been thrown in prison without being charged.

The gentleman from New York [Mr. WEISS], had done an important service in drafting House Concurrent Resolution 176. It sends an important message, and it calls upon the President to respond to Mauritania's long record of human rights violations in a strong and decisive manner. And, it calls upon our representatives at international lending institutions to reflect our concern for human rights. I commend him for his initiative and urge the adoption of this resolution, and I recognize the contribution of the distinguished gentleman from California [Mr. DYMALLY] in advancing this legislation.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. WEISS. Mr. Speaker, imagine how the United States House of Representatives would respond if 500 political prisoners were tortured to death by the Government of El Salvador. Imagine now the media would react if such an atrocity occurred in South Africa or China. The international community—and we in Congress—would rightly respond with outrage and condemnation.

When this very same tragedy occurred in the northwest African nation of Mauritania a few months ago, the event was hardly even reported in the international media.

In recent testimony before the Foreign Affairs Committee, human rights organizations reported countless examples of torture, summary execution, forced deportation, and even the continued practice of slavery in Mauritania. Earlier this year, more than 500 political prisoners died in Mauritanian jails as a result of torture, summary execution, or simple neglect.

The bipartisan resolution before the House today—which I introduced with our colleagues DONALD PAYNE and DAN BURTON—is at an attempt to focus international attention on the egregious human rights record of the Mauritanian Government.

The vast majority of these abuses are committed against Mauritania's black population, which has been systematically persecuted and marginalized by the Government's aggressive policy of Arabization.

Executions, torture, and forcible expulsion are only the most visible signs of Government abuses. The Mauritanian leadership severely discriminates against non-Hassaniya-speaking black Mauritanians in all walks of life, including unequal access to education, employment, and health care.

Even the heinous practice of slavery, although formally abolished in Mauritania in 1980, continues in some parts of the country. According to the human rights organization Africa Watch, which has conducted extensive interviews with escapees, there are tens of thousands of black slaves in Mauritania today.

According to the State Department's most recent Country Report on Human Rights Practices.

Credible reports of unlawful detention and torture surfaced during the year, and most other human rights, including denial of fair public trial, freedom of expression, association and the right of citizens to change their government remain tightly circumscribed.

In recent weeks, the Mauritanian Government has taken a number of steps to improve Mauritania's atrocious human rights record. For example, in April the Government released hundreds of political prisoners held without charge or trial. President Taya also announced that political parties would be allowed and that legislative elections would be scheduled. These are indeed encouraging signs.

Unfortunately, despite these developments, Mauritanian authorities last month arrested a number of trade unionists and Government critics who called for greater democratization. In other words, many of the same abuses continue.

House Concurrent Resolution 176—which was unanimously approved by the Foreign Affairs Committee—condemns these human rights abuses and calls on the Mauritanian Government to abide by its international obligations and to protect human rights.

The resolution also commends the Bush Administration's human rights reporting on Mauritania, and calls on the administration to take several steps in response to these abuses; most importantly, to oppose loans to Mauritania in the World Bank and the African Development Fund.

I urge my colleagues to support this resolution and to send a strong signal about our concern for human rights in Mauritania.

Mr. FASCELL. Mr. Speaker I rise in support of House Concurrent Resolution 176, as amended, which expresses the sense of Congress regarding human rights violations in the Islamic Republic of Mauritania. I would like to commend my colleagues Mr. WEISS of New York and Mr. PAYNE of New Jersey, the original sponsors of this resolution for bringing this matter to the attention of the House. I would also like to thank the chairman of the Committee on Banking, Finance and Urban Affairs, Mr. GONZALEZ, for agreeing to forgo consideration of this legislation so that we might bring it to the floor today. In that regard, I would ask unanimous consent that the correspondence between myself and Chairman GONZALEZ be included in the RECORD at this point.

COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC, July 24, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for writing to inform me of your Committee's interest in bringing H. Con. Res. 176, to the attention of the House as soon as possible. It is my understanding that this bill seeks to express the sense of Congress regarding human rights violations in the Islamic Government of Mauritania.

The Chairperson of the Subcommittee on International Development, Finance, Trade and Monetary Policy, Congresswoman Oakar, and I share your view that this is important and timely legislation which warrants the attention of the House. Though the bill was jointly referred to the Banking Committee, the Committee agrees to waive its consideration of H. Con. Res. 176 and to be

discharged from further consideration of the legislation without prejudice.

I appreciate you consideration in seeking our cooperation on this matter.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 23, 1991.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Committee on Banking, Finance, and Urban Affairs waive consideration of H.Con.Res. 176, expressing the sense of Congress regarding human rights violations in the Islamic Government of Mauritania, without prejudice to the Committee's jurisdiction. This legislation has been referred jointly to the Committees on Foreign Affairs and on Banking, Finance and Urban Affairs.

Because of the timeliness of this measure, the Committee on Foreign Affairs, which approved H.Con.Res. 176 on July 23, 1991, would like to schedule it for Floor consideration under suspension of the rules as soon as possible.

Your cooperation in this matter would be greatly appreciated.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL
Chairman.

House Concurrent Resolution 176 outlines in some detail the deteriorating human rights condition in Mauritania, including that Government's involvement in mass detentions, torture, and extrajudicial killings—events which are corroborated in the State Department's most recent human rights report. The resolution notes that the Islamic Government of Mauritania, in its pursuit of an aggressive policy of Arabization, has systematically persecuted, marginalized, imprisoned and executed black Mauritanians. In 1989, up to 60,000 of these non-Arab, black Mauritanians were forcibly expelled into Senegal; an additional 10,000 were forced into Mali. Many of these refugees continue to live in refugee camps. In addition, House Concurrent Resolution 176 calls upon the Government of Mauritania to more vigorously enforce its antislavery laws. It is indeed shocking to learn that this 19th century institution is still alive and well in some areas of this world.

House Concurrent Resolution 176 condemns the Government of Mauritania for its persecution of non-Arab, black Mauritanians, and calls upon the Government to respect internationally accepted standards of human rights and to enforce its antislavery laws. In addition, the resolution calls upon the President of the United States to condemn publicly the killings and imprisonment of black Mauritanians and to oppose loans to Mauritania—except for loans to meet basic human needs—from the World Bank and the African Development Fund.

In closing, I urge the speedy adoption of this timely, important, and noncontroversial resolution.

Mr. PORTER. Mr. Speaker, I rise in support of House Concurrent Resolution 176, which calls attention to the egregious condition of human rights in the west African nation of Mauritania.

The Government of Mauritania, controlled by Moors of Arab/Berber descent, systematically persecutes the majority population made up of non-Arab, black Mauritanians.

The list of violations committed against black Mauritanians is horrifying: from forced deportations and extrajudicial killings, to reports of actual slavery.

In April 1989, a border dispute with Senegal led the Government of Mauritania to forcibly deport 80,000 black Mauritanians. As many as 55,000 of these non-Arab Mauritanians remain encamped across the border and are not permitted to return to their homes. At the same time, many have had their land seized and when they do return to Mauritania and try to retrieve the property that is rightfully theirs, security forces have retaliated with violence, resulting in many deaths.

The exodus of black Mauritanians to Senegal was precipitated by extrajudicial killings by security forces and vigilante groups in villages in southern Mauritania, causing whole villages to flee in order to escape the violence.

Most disturbing are accounts of continued slavery in Mauritania. Although the Mauritanian Government outlawed slavery in 1980, freed slaves have recently made statements explaining that these laws have not been fully implemented. Apparently, presents are often given as a form of payment for slaves and many slaves are actually unaware that laws even exist prohibiting slavery.

These actions are blatant violations of internationally recognized standards of human rights. We must send a strong message to the Mauritanian Government that unless the rule of law is respected in their country, we will hold back all loans that do not go toward meeting basic human needs for their citizens.

The situation in Mauritania must be brought to the attention of the international community and we must work together to bring about democratic change to this desert country.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise in support of House Concurrent Resolution 176. This bipartisan resolution on human rights in Mauritania was unanimously approved on July 10 by the Subcommittee on Africa under the leadership of Chairman DYMALLY and the Subcommittee on Human Rights chaired by Mr. YATRON.

I understand Mr. YATRON was released from the hospital today and will be recovering at home from major surgery. Mr. YATRON has been a stalwart of human rights for Africa and I am most appreciative of his interest in bringing these unpublicized abuses to the world's attention.

The resolution outlines the consistent pattern of human rights abuses in the Islamic Republic of Mauritania—abuses which include torture, summary execution, and forced deportation.

You may recall in 1989 and 1990 when 60,000 black Mauritanians were expelled from their homeland and forced into neighboring Senegal and even as far as Gambia.

More recently, in May 1991, Africa Watch reported that at least 200 black political detainees died while in unlawful detention. Many were the victims of severe torture. Others died because of starvation or illness.

Our own State Department estimates that as many as 500 prisoners died while in detention. These detainees were part of a group of 1,000 to 3,000 black army officers and civil servants and who had been arrested between October 1990 and late February 1991, and held incommunicado.

Details of this terrible story of the many political prisoners only surfaced in late March, after the Government declared an amnesty for political prisoners.

The response of the Mauritanian Government to this outrage was to appoint a commission to investigate the deaths composed only of Mauritanian military officers. Under the circumstances, many believe this will not be an impartial investigation.

In essence a de facto apartheid system exists in Mauritania, with all political power resting firmly in the hands of the ruling Beydane who are Moors of Arab/Berber descent.

In addition to this long list of abuses, Mauritania is still the site of one of the most demeaning types of human rights violations—slavery. In 1981, the Anti-Slavery Society calculated that there were probably a minimum of 100,000 total slaves in Mauritania. In recent interviews with Mauritanian refugees in Senegal, Africa Watch confirmed that the practice of slavery continues.

In this day and age we cannot tolerate such practices anywhere in the world.

Timely action is required by all democratic societies, and I implore my colleagues to vote for House Concurrent Resolution 176 today, which calls on the Mauritanian Government to abide by its international obligations and to protect the human rights of all people within their borders.

The Bush administration is to be commended for its excellent human rights reporting on Mauritania and is asked to take several steps in response to these abuses; most importantly, to oppose loans to Mauritania in the World Bank and the African Development Fund.

In this regard I should mention that an amendment proposed by Mr. BEREUTER is included in the resolution. This amendment clarifies that the resolution is not intended to affect loans to meet basic human needs in Mauritania.

In conclusion, Mr. Speaker I want to thank my esteemed colleague Mr. WEISS for his inspiring and devoted work to introduce this resolution.

I urge my colleagues to vote for House Concurrent Resolution 176.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. DYMALLY], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 176, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RESCUE OF ETHIOPIAN JEWS

FROM ETHIOPIA TO ISRAEL

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 171) expressing the sense of the Congress relating to the rescue of approximately 14,000 Ethiopian Jews from Ethiopia to Israel, and to the current famine in Ethiopia, as amended.

The Clerk read as follows:

H. CON. RES. 171

Whereas despite 2,700 years of anti-Semitism, physical destruction, land confiscation, enslavement, and forced conversion. Ethiopian Jews (or "Beta Yisrael") have maintained their Jewish heritage and prayed for their return to their biblical homeland;

Whereas approximately 14,000 Ethiopian Jews have been separated—brother from sister, husband from wife, and parent from child—since the emergency airlifts of Operation Moses and Operation Joshua in 1984 and 1985;

Whereas the Administration carried out its diplomatic negotiations with the Ethiopian Government based on a policy of family reunification and human rights in Ethiopia; and

Whereas several thousand Ethiopian Jews wish to emigrate and millions of Ethiopians remain at risk because of famine; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) President Bush, Administration officials, and the President's emissary should be commended for their involvement in key diplomatic initiatives to secure the timely release of approximately 14,000 Ethiopian Jews;

(2) The Government of Israel should be commended for—

(A) carrying out "Operation Solomon," one of the largest rescues of its kind in history,

(B) its ceaseless diplomatic and humanitarian efforts in reuniting Jews with their families over the course of several years, and

(C) welcoming this beleaguered community with open arms;

(3) dedicated individuals and private voluntary organizations should be applauded for their unflagging support of the Jewish community in Ethiopia;

(4) the United States should make every effort—

(A) to promote democracy in Ethiopia, and

(B) to increase its support for famine relief so that millions of Ethiopians do not perish; and

(5) the right of all Ethiopians to emigrate freely should be respected, including the right of Ethiopian Jews to emigrate to Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, House Concurrent Resolution 171 expresses the sense of Congress that President Bush and the administration should be commended for their diplomatic efforts in securing the release of 14,000 Ethiopian Jews. The sense of Congress regarding Israel's operation in the 1988 rescue mission of the Ethiopian Jews is also expressed.

Mr. Speaker, I want to commend my friend, the gentleman from New York, [Mr. SOLARZ] for bringing this important issue to the Members of Congress.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman from California very much for yielding time to me, and I want at the outset to express my deep appreciation to the distinguished chairman of the Subcommittee on Africa for his willingness to permit us to bring this resolution up in such a timely fashion.

I also want to pay tribute to some of my colleagues, particularly my very good friend from New York on the other side of the aisle, Mr. GILMAN, and the other distinguished gentleman from New York, Mr. ACKERMAN, who I do not think could be present right now, but both of whom have played an absolutely indispensable role in facilitating the rescue of this ancient Jewish community in Ethiopia.

A little over a month ago, Mr. Speaker, one of the most extraordinary and dramatic rescue operations in history took place when the Israeli Government, through Operation Solomon, managed in a day or so to airlift 14,000 Ethiopian Jews from Addis Ababa, the capital of Ethiopia, to Israel. These were the remnants of a Jewish community which existed in Ethiopia for 2½ millenia, and who were finally being brought to their homeland in Israel.

Earlier in 1980 there were two previous rescue operations in which our country was very much involved, and I believe it is only appropriate at this time to pay particular tribute to President Bush, whose role in those earlier rescue operations and in this one was absolutely indispensable, and without whose commitment to this cause it would not have been possible.

This was a matter of considerable humanitarian urgency. At the moment it appears that a kind of stability has been established in Ethiopia, for which we are all very grateful. But a little over a month ago when the Government of that country was on the verge of collapse, when it had already lost control of Eritrea, when rebel armies were advancing on Addis Ababa, there was a very real possibility that anarchic conditions could prevail, not unlike those that developed in Liberia several months ago as a result of which tens of thousands of people lost their lives.

And the Jewish community in Ethiopia was particularly fearful that in a time of anarchy, of civil war, of violence and insurrection, without any viable central authority, that people might look for scapegoats, and given the extent to which if, for no other than religious reasons, they were somewhat different from other Ethiopians, there was a genuine fear that these people might be the victims. And so this Operation Solomon was mounted.

The United States interceded very effectively with the then Government of Ethiopia. Our former colleague in the other body, RUDY BOSCHWITZ, was dispatched by President Bush as a special emissary to Ethiopia to plead on behalf of these people, and with the permission being granted, the Israelis organized this extraordinary airlift. It succeeded. Families were reunited and these people were brought to Israel, where they will spend the rest of their days.

The purpose of this resolution is to pay tribute to those who made it possible, to encourage our own Government to make every effort to promote the cause of democracy in Ethiopia, to increase famine relief, and to make sure that all Ethiopians, including of course the handful of Jews who still remain, are granted the fundamental right of emigration.

Along with commending the President, administration officials, and the Government of Israel, I also want to salute the private voluntary organizations who played such a vital role in processing immigration documents, contacting families in Israel, and providing food, clothing, and medical supplies to the thousands of Ethiopian Jews forced to wait in the capital.

In particular, I want to cite the dedicated and tireless efforts of Nate Shapiro and Will Recant of the American Association of Ethiopian Jewry [AAEJ], who have worked closely with the Congressional Caucus for Ethiopian Jewry on this issue since 1986.

Finally, I want to point out that Operation Solomon makes a mockery of the infamous United Nations resolution that equates Zionism with racism. That Israel rescued 14,000 black Jews and that Israelis welcomed them joyously with open arms proves once and for all that, in contrast to the wretched U.N. resolution, Zionism is a national liberation movement that embodies brotherhood and not racism.

So I thank the chairman of the subcommittee for bringing this resolution before us, and I urge its adoption by the House.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

I also want to commend my colleagues, STEVE SOLARZ, BEN GILMAN, Chairman DYMALLY, and GARY ACKERMAN, for their strong leadership on this important issue. I support this timely and thoughtful resolution expressing the sense of the Congress concerning the rescue of Ethiopian Jews from Ethiopia.

After thousands of years of separation, the Ethiopian Jews have finally returned to their biblical homeland. For many years in a remote region of Ethiopia, they retained their Jewish heritage and yearned for the day when they could return to their roots. Their prayers were finally answered.

Israel was true to its promise to welcome Jews from all over the world. In 1984 and 1985, thousands of Ethiopian Jews were airlifted to Israel. This year, Operation Solomon took 14,000 more Jews to Israel. That airlift was one of the largest rescue missions in history and it was carried out during a bloody civil war in Ethiopia.

I commend the Government of Israel for keeping its doors open to these children of Israel and for its humanitarian efforts on their behalf. Let us hope that the remaining Ethiopian Jews can some day return to their homeland and that our Government will be sensitive to the sufferings of many in Ethiopia today.

I urge my colleagues to support this resolution.

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Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 171 which commends President Bush, the Government of Israel, members of the State Department as well as the President's emissary, former Senator Rudy Boschwitz, for their participation in conceiving and implementing Operation Solomon—the historic airlift in May of Ethiopia's Beta Israel. I thank the gentleman from New York [Mr. SOLARZ], for introducing this measure on behalf of the congressional caucus for Ethiopian Jews, on which we both serve as cochairmen.

The miraculous rescue of over 14,000 Ethiopian Jews took place through the untiring dedicated efforts of so many individuals. On the heels of a crumbling Mengistu regime the precious remnants of Ethiopia's Jewish community were spirited out aboard military, passenger, and cargo aircraft to Israel, the historic homeland of the Jewish people. History was made in 33 hours.

Working to help bring about this fascinating event was the congressional caucus for Ethiopian Jewry. It was created after Operations Moses and Joshua—secret efforts which evacuated thousands of Ethiopian Jews from refugee camps in the Sudan in 1984 and 1985—suspended flights due to public disclosure. Our cochairman in the other body is the gentleman from California, Senator CRANSTON, who until recently was joined in that effort by the gentleman from Minnesota, former Senator Rudy Boschwitz. Indeed, the caucus' goal was to quietly work for the complete emigration of Ethiopia's Jewish community to Israel.

Knowing that many thousands more of the Beta Israel remained behind in Ethiopia's Gondar province, subject to discrimination and Mengistu's villagization program, the caucus, bipartisan and bicameral in nature, has initiated letters and meetings with various government officials on their behalf.

Working with the American Association for Ethiopian Jews, as well as other private Jewish organizations, every opportunity was exploited to increase the paltry monthly emigration rate and to ensure the safety of this fragile community. The Government of Israel, the Agency for International Development, and the American Jewish Joint Distribution Committee cared diligently for the Beta Israel both during and after so many thousands streamed down to Addis Ababa from Gondar province last summer. Providing essential medical and social services, the lives of so many were in their hands.

Operation Solomon has now reunified family members separated for 6 years or more. Parents were separated from children, brothers were separated from sisters, and wives were separated from husbands. Though it was a major success, several thousand Beta Israel remain in Gondar province, having been unable to travel to Addis Ababa with the rest of the community. At the same time, several hundred Ethiopian Jews in Addis Ababa were unable to reach the planes and therefore remain in the capital city to this day. Our congressional caucus for Ethiopian Jewry will continue to be concerned until freedom of emigration for every member of the Beta Israel community is available.

Accordingly, Mr. Speaker, I urge our colleagues' support for House Concurrent Resolution 177. American dedication to human rights, democracy, and freedom of expression, as well as the Jewish commitment to "pikuach nefesh"—the saving of a life, came together in Operation Solomon. All those involved are most deserving of this special recognition.

Mr. DYMALLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, let me thank the gentleman and express my commendation to him as chairman of the Subcommittee on Africa for his splendid work not only on this resolution but on all the work of the subcommittee as well. Let me also add my congratulations to the congressional caucus on Ethiopian Jewry, the Government of Israel, and the American Jewish community here in the United States, for their efforts in bringing about one of the historic humanitarian acts in modern times.

There is still work that needs to be done in Ethiopia and this resolution addresses itself to that. I know that my colleagues will join the gentleman from California [Mr. DYMALLY], in unanimous approval of this resolution.

Mr. Speaker, I would also like to express my appreciation to Congressmen SOLARZ, ACKERMAN, and GILMAN, the original cosponsors of this resolution, for bringing this legislation before the House. I also wish to commend the chairman of the Subcommittee on Europe and the Middle East and the chairman of the Subcommittee on Africa for their efforts in expediting the consideration of the resolution.

Mr. Speaker, the recent rescue of approximately 14,000 Ethiopian Jews and their return to Israel following the fall of the Mengistu regime in Ethiopia is but the latest chapter in one of the most daring rescues in modern times. Following on Operation Moses and Operation Joshua in 1984 and 1985, thousands of Jews from Ethiopia have now been reunited with their families and begun new lives in Israel.

As the resolution notes, Mr. Speaker, many persons have been involved in this action including President Bush and his administration, the Government and people of Israel who have welcomed this beleaguered community, and countless individuals and organizations. Their efforts have borne fruit.

In celebrating these events, however, we must remember that there still remains in Ethiopia a number of Jews who should have the opportunity to join their community in Israel. We must continue our efforts to bring them safely to their biblical homeland. We must also, Mr. Speaker, explore ways to help the people of Ethiopia address the serious drought conditions now threatening that country.

Mr. Speaker, the fighting in Ethiopia has stopped. The time has now come for the United States to assist the people of Ethiopia in building a lasting peace based on democratic principles and individual freedom.

I urge support for the resolution.

Mr. SCHEUER. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 171, of which I am a cosponsor, because I believe it rightly commends the administration for its tremendous success in attaining the freedom of Ethiopia's Jewish population.

In May, I was fortunate to witness the miraculous arrival of some of the more than 14,000 Ethiopian Jews airlifted from their war-torn country to the Jewish State. In Israel for a conference of Jewish parliamentarians from around the world, I greeted many of the Ethiopian refugees as they completed their exodus. Though confused and disoriented, these brave people were elated and grateful for their safe delivery to their true homeland.

At that time, I offered my heartiest congratulations to the administration, former Senator

Rudy Boschwitz of Minnesota, and all those others who labored so tirelessly towards making the airlift a reality. As a result of their efforts, our administration achieved the window of opportunity, and the Israeli Government acted immediately to mount the massive rescue operation that has come to be known as Operation Solomon.

In just a little more than a day, these long lost Jews were reunited with their families, regained their human rights and civil liberties, and now can look forward to a bright future.

Today, I again applaud the administration for its energetic efforts to make the rescue operation a possibility, and Israel's swift action in taking advantage of this historic opportunity.

The whole enterprise, in which the United States and Israel worked together intensively to achieve a goal long sought by the two nations, serves as a model for our two countries as to how we can best attain our mutual longstanding goals when we work in close cooperation. I hope that the same approach, and success, will come to current efforts to achieve peace in the Middle East.

I also hope that our administration will continue to act with similar enlightened leadership and swift decisiveness to secure the continued exodus of Soviet Jews to Israel. Such emigration recently has been slowed by the addition of unnecessarily onerous and time-consuming procedures to the emigration process.

When we work together, we can achieve great success. I urge us all to keep that in mind in the coming months.

Mr. PORTER. Mr. Speaker, it is with pleasure that I rise in support of House Concurrent Resolution 171, concerning the airlift of Ethiopian Jews from Ethiopia to Israel.

The unique plight of the Ethiopian Jews has, over the years, given cause for great concern. For thousands of years, these Jews, separated from their brothers and sisters by a continent, suffered persecution solely because of their religious beliefs.

In the 1980's, their plight came to the attention of the international community. Through much hardship, Israel was able to rescue thousands of them over the past 10 years, unfortunately separating many families in the process.

Recently, Israel made the rescue of Ethiopian Jews a top priority and was able to successfully evacuate 14,000 people. Although several thousand remain, the great majority of Ethiopian Jews seeking to rejoin their families in Israel have been able to do so.

This effort by the Israeli Government is truly commendable. The struggle of these people, several thousand years old, is now over. Although they face difficulties assimilating into a completely different world, they can be free to pursue their religion without fear of persecution and harassment.

Mr. REED. Mr. Speaker, I rise today in support of House Concurrent Resolution 171, a resolution to commend the administration for their diplomatic efforts to secure the release of 14,000 Ethiopian Jews. I would also like to recognize Israel for its recent role in "Operation Solomon" as well as its past efforts to aid Ethiopians seeking freedom in Israel.

The recent airlift of 14,000 Ethiopian Jews to Israel is further testimony of the continuing need for a Jewish homeland. The pictures in the media of crowded airplanes and joyous crowds arriving in Israel moved us all.

I particularly want to salute the skill and courage of those Israeli diplomats and military personnel who played a role in this stirring exodus. It is also appropriate to note and commend the critical leadership provided by our Government in assisting in this noble relief operation.

While commending the success of "Operation Solomon," we must continue to support regional efforts to assist Ethiopia to feed its people and establish a democratic political system.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 171. I am proud to be a cosponsor of this important resolution.

As many of my colleagues may be aware, during the last weekend of May, the Israeli Government rescued over 14,000 oppressed and impoverished Ethiopian Jews. In 33 hours the Israeli Government conducted a logistical feat known as Operation Solomon. My wife Janet and I were fortunate enough to be in Israel to witness this modern day miracle. Immediately following my remarks is an article Janet wrote about Operation Solomon.

The Israeli Government deserves the highest praise for their steadfast dedication to rescuing as many Ethiopian Jews as possible. Despite the lengthy gap between another major airlift, Operation Moses, and Operation Solomon, the Israeli Government never gave up the hope of rescuing each and every Jew who wished to leave Ethiopia. Indeed, the Israeli Government proved—once again—that the spirit of Zionism still flourishes. As Operation Solomon made abundantly clear, where there are Jews in danger, Israel will do all it can to bring them to a safe haven and home in the Jewish state.

The Israeli Government, however, is not the only party that deserves praise. Without question, Operation Solomon became a reality through the very able efforts of the Bush administration. Quite simply, without the assistance of President Bush, Ambassador Herman Cohen, and former Senator Rudy Boschwitz, a critical opportunity—within the chaos of a bloody civil war—may have been lost. Mr. Speaker, I applaud the Bush administration for a job well done.

I would also like to commend the American and Israeli citizens who ceaselessly worked for the day on which thousands of Ethiopian Jews would be reunited with their loved ones as citizens in the State of Israel. Without the extraordinary efforts of these individuals and advocacy organizations, Operation Solomon could not have happened and thousands of Ethiopian Jews would be left stranded within war torn Ethiopia.

Finally, I would like to acknowledge the overwhelmingly positive response of the Israeli public. While in Israel, I witnessed firsthand the ecstatic rejoicing that greeted the arrival of the Ethiopians. State absorption officials requested that Israelis bring items for donation to their local post office. The resulting chaos saw post offices jammed full with donated food, clothing, and toys. Traffic jams in front of post offices snarled traffic for hours. For days after Operation Solomon, images of the airlift dominated the media.

Mr. Speaker, now that the rescue of Ethiopian Jewry is near completion, the even more difficult task of absorption has begun. I am confident that the Israeli Government, the Bush administration, concerned citizens in both Israel and the United States, and Congress will do whatever is necessary to see that the rescue of Ethiopian Jewry is seen through their absorption into Israeli society.

OPERATION SOLOMON: ETHIOPIA'S JEWS FLY HOME

(By Janet Waxman)

"Operation Solomon: Ethiopia's Jews Fly Home", The Jerusalem Post headlined. And my husband Henry (Democratic Congressman Henry A. Waxman of Los Angeles) and I were witness to the miracle. We witnessed an unparalleled airlift. 14,200 Jews rescued in one great swoop, just before all hell broke loose, and flown to the land of their forefathers. We witnessed too, the fulfillment of the words of the prophets, who foretold the ingathering of the exiles to Zion from every corner of the Earth. From north and south, they came to Zion.

The logistics were staggering. 14,200 people in 33 hours! Equipment, air controllers, engineers, guards flown in—along with 150 interpreters and 65 organizers originally from Ethiopia. There were 32 Israeli Air Force and El Al planes, 28 in the air at once. A record 1080 passengers crammed into one jumbo jet. There were seven births in the air. A $35 million ransom was paid!

"It looked like the exodus from Egypt," one of the organizers exclaimed. "If someone had told you that the equivalent of an entire city—including women, children, the elderly and the very sick—could be carried out in 24 hours, would you believe it?"

And what a homecoming! I doubt there was a dry eye in the country. When Israel Radio and Armed Forces radio announced that the immigrants had practically come with only the clothes on their backs, the country became a madhouse, with people racing to the post offices to give gifts, creating huge traffic jams.

A young Ethiopian rabbi told us, "I can hardly describe the joy of the Israelis. There has been such an outpouring there is no place to store things. And I know that many of these generous people are struggling themselves."

Most touching of all were the family reunions—lots of them, for this wave had brought the wives and children and parents of men who had been strong enough to make the trek to the Sudan and be airlifted out during Operation Moses in 1984.

Who are these people? No one knows when they became Jewish. They have passed down from one generation to another their religious beliefs and practices. Most assert, "We are a people from the west, from Sudan (ancient Kush)." Legends abound. Some say that they are one of the lost tribes of Dan. Others describe themselves as the descendents of King Solomon and the Queen of Sheba's handmaiden. Still others identify themselves as descendants of the sons of Moses. The point is they are Jews, and like Jews worldwide they consider Israel their homeland—the land of their forefathers.

What is known is that they were once a great nation of one million. By 1800 they had been reduced to 250,000 through forced conversions, poverty, and disease. Slavery, anti-Semitic murders, and civil war also took their toll. Like other isolated Jewish communities they believed they were the last Jews in the world. Resolutely, they followed biblical commandments and fervently prayed to return to Zion.

By modern times, only about 30,000 remained. Most lived in the highlands and were poverty stricken craftsmen or sharecroppers not allowed to own land. Perhaps 3% lived in Addis Ababa and had higher education.

Under former dictator Mengistu Haile Mariam their situation continued to decline. Many were arrested and tortured for practicing the religion or attempting to leave for Israel. Synagogues were closed, books burned. Many more converted under pressure.

And now that they are Israelis, the question is, how will they be treated? How will they do? Over the years, my husband Henry and I have visited absorption centers all over the country. As with any immigration, youngsters definitely have the best chances. Consider that in Ethiopia the average age of death is 44. 35 is old age. Imagine, then, how hard it would be for a 25 year old starting all over again, learning a new language, new ways, new skills. Most of those 35 plus may have to be cared for the rest of their lives. It's understandable when you realize that they've just started to learn not to walk out of second story windows and not to walk in front of cars.

These same parents though, are tremendously excited and that their children are being given the best Israel has to offer. Their youngest go directly to nursery and public schools. Many parents jump at the chance to send their high schoolers to boarding schools in Jerusalem with kids from around the world. Their oldest children learn skills in demand today, becoming auto mechanics, electricians, and medical and dental assistants, or attend a university.

But they all know it is the army that makes "real Israelis". Of the 700 in the military many have made the elite Golani Brigade and paratroopers. Last year, 24 Ethiopian Jews graduated as officers.

Ethiopia's Jews are home. As one burly sergeant major said as he gently took an old woman's arm to help her from the plane, "This is what Israel is all about." Let's celebrate!

Mr. MILLER of Washington. Mr. Speaker, I rise in support of this important resolution. As a member of the congressional caucus on Ethiopian Jewry, I was very pleased that the House passed this resolution. Our Government and the Government of Israel deserve praise for their tremendous effort in bringing 14,000 Ehtiopian Jews to Israel. The administration's determined diplomatic efforts helped lead to the release of the 14,000. And, of course, the Israeli Government's continued commitment that all Jews may come to Israel, and its heroic efforts to bring those Jews from Ethiopia to Israel, inspire us all.

But those who deserve our praise the most are the 14,000 themselves. These Ethiopian Jews, despite oppression, anti-Semitism, and attempts to destroy their religious and cultural identity, persevered. Despite the separation of brother from sister, husband from wife, and child from parent, they never gave up hope. And neither did we.

Israel has rescued these people from famine and violence in one of the largest rescues of its kind. Operation Solomon was a success because of the dedication of a people and its leaders. But our job is not done. There are still several thousand Ethiopian Jews who wish to emigrate, and famine still exists in Ethiopia. We must continue our efforts so that all who wish to emigrate from Ethiopia will have that freedom. We must continue our efforts so that the day will come when Ethiopia and famine will not be synonymous. Operation Solomon was an example of what we can accomplish with determined effort. Let us not rest with the success of Operation Solomon, but instead build ever further from it.

Mr. DYMALLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 171) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMENDING THE PEOPLE OF MONGOLIA ON THEIR FIRST MULTIPARTY ELECTIONS

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 21) commending the people of Mongolia on their first multiparty elections, as amended.

The Clerk read as follows:

S. CON. RES. 21

Whereas the people of Mongolia had the first multiparty elections of their seventy year history in July of 1990 and have taken great strides toward a multiparty, pluralistic and democratic government;

Whereas the newly elected government of Mongolia has pledged to continue a peaceful transition to a democratic government and has committed to accept and implement free market and free trade principles;

Whereas the Congressional leadership welcomed the President of the newly elected government on his first State visit to the United States in January;

Whereas President Bush has requested the granting of Most Favored Nation status to The Mongolian People's Republic;

Whereas Mongolia has asked for economic assistance to bolster its movement toward democracy and economic reform, and the Executive Branch has responded by providing development and food assistance for fiscal year 1991 and has proposed similar assistance for fiscal year 1992; and

Whereas Mongolia presents the world with an admirable example of the peaceful conversion to free world values and democratic principles: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) hereby offers its congratulations to the people of Mongolia for a generally free and fair election process and looks forward to growth and development of United States-Mongolia relations on issues of mutual interest, such as regional stability, trade, and human rights;

(2) commends the political leaders and parties of Mongolia that worked together to achieve the creation of democratic pluralism and free market institutions and urges the United States Government to continue to grant all appropriate economic and technical assistance to Mongolia and its people; and

(3) welcomes the people of Mongolia into the Community of free nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and requests that he further transmit such copy to the Government of Mongolia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

[Mr. SOLARZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also support Senate Concurrent Resolution 21, which expresses the support of Congress for Mongolia's efforts to develop democracy and free market institutions.

In July 1990, Mongolia joined the community of free nations by holding the first multiparty elections in its 70-year history. With the election, Mongolia became the first Communist country in Asia to follow the path of peaceful political and economic reform laid out by the countries of Eastern Europe.

I hope the leadership of the other Communist countries of Asia—China, North Korea, Vietnam, Cambodia, Laos, and Burma—will take a lesson from Mongolia.

Transition to democracy can occur peacefully, and will also result in the economic benefits of closer relations with the world's free-market economies.

I strongly encourage my colleagues to vote in favor of this resolution to express our support for democracy in Mongolia.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, not very many years ago, then-President Ronald Reagan predicted that communism is going to end up on the ash heap of history. At the time, there were many who ridiculed him for saying that, and wondered where he got that information.

Amazing things have happened in a few short years since that occurred, not the least of which is the democratization or the movement toward a multiparty free economy in Mongolia. Mongolia was the first country after the Soviet Union to adopt a Communist form of government, so we have seen incredible changes around the world and now deep in the heart of Eastern Asia.

The resolution, as the chairman of the subcommittee pointed out, does congratulate the people of Mongolia. He and I did, in fact, have dinner with the President and the Foreign Minister and others from Mongolia. We met also with members of a parliamentary delegation.

My impression is that the Government and the officials of Mongolia really are interested in moving toward democracy. They really want a multiparty system. They really want a free enterprise system. As a matter of fact, they have welcomed the offer by the National Republican Institute, of which I am the chairman, to have people from our Institute work with them in that regard.

I am pleased to say we are going to do exactly that.

I want to congratulate everyone who had a part in bringing this resolution to the floor, and I urge my colleagues to support it.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my support for Senate Concurrent Resolution 21, a bill to commend the people of Mongolia on their first multiparty elections.

Mr. Speaker, we are living in a very special era. The political sea changes we have witnessed in the past few years will be, perhaps, the most unique history our grandchildren will have a chance to read. All too often, it is tempting to take these changes lightly, without stopping for a moment to realize just how fortunate both we in the United States and those who are seeing this light for the first time in foreign countries, truly are.

I rise today to congratulate the people of Mongolia on the first multiparty elections in their history. Mongolia has long been a highly centralized Communist state. However, in recent years, the strength of the opposition movements has grown. Like most Communist parties worldwide, the Mongolian Communist Party was forced to retreat. The Mongolian constitution was amended to delete the Communist Party's leading role, create a Presidential system as well as a more representative legislative branch. In addition, political parties were legalized. The result was free elections in July 1990.

The democratic reforms taken by the Mongolian Government in 1990 can stand as a model for the whole world to behold. Dramatic progress was made in most human rights areas. Mongolians today enjoy a degree of freedom of speech and expression that just a few years earlier would have been incomprehensible Freedom of assembly, freedom of religion, and the rights of citizens to change their government are also now staples of Mongolian political life. The July elections have also received relatively high marks from the State Department, with respect to their independence.

The newly elected Government of Mongolia has pledged to continue its march toward democracy and has accepted free market and free trade principles. I firmly believe that our Government, and this Congress, has the responsibility and obligation to assist peoples worldwide who are embracing freedom and democracy. The Mongolians deserve our warmest congratulations and our fullest support.

Mr. Speaker, when we examine the recent changes in this world, we are filled with a sense of awe. I have grown up and spent most of my life in a world fearing the threat of tyranny. Democracy and freedom were values for which we fought dearly and often suffered greatly. Today we find ourselves looking at a world which may soon be made up of a much larger community of democracies than we ever dreamed. As the Mongolians join this community, I welcome them to a brigher future and look forward to their many successes.

Accordingly, Mr. Speaker, I urge full support for this measure.

Mr. PORTER. Mr. Speaker, it is with great pleasure today that I rise in support of Senate Concurrent Resolution 21, commending the people of Mongolia on their first multiparty elections.

Mongolia, sandwiched between the Soviet Union and China, was the first country to adopt communism after the Soviet Union. For 70 years it was a highly centralized Communist state, strongly influenced by the Soviet Union.

Last year the people of Mongolia threw off the yoke of communism and installed their first freely elected government. Now, 1 year later, they are successfully on their way to becoming a multiparty democracy.

Although there is much work to be done, including obstacles in creating a free-market economy and in developing judicial independence, Mongolia has made impressive strides in granting its citizens greater freedoms.

Today we send a strong and clear message of congratulations to the people of Mongolia for having the courage to lead Asia on the path to democracy and hope that by its example, the rest of Asia, including China and Tibet, will soon be on the way to free, fair, and truly representative governments.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the last 2 years, the post-World War II world has been fundamentally and irrevocably altered. From Stettin in the Baltic to Trieste in the Adriatic, the Iron Curtain has ascended all across Europe.

Virtually every one of the one-party Leninist dictatorships in Eastern and Central Europe have now been replaced by multiparty parliamentary democracies. But it is not only in Europe that communism is beginning to collapse.

In 1990, Mongolia became the first Communist country in Asia to make the transformation from a crypto-Stalinist dictatorship into a multiparty parliamentary democracy with a market-oriented economy.

This resolution, which has already been adopted by the upper body, congratulates the people of Mongolia on holding their first truly free and fair election. It commends those Mongolians who made possible this extraordinary transition, and it encourages the executive branch of our Government, which I am pleased to say apparently needs no encouragement, to provide all appropriate forms of economic and technical assistance to the government in Ulan Bator.

□ 1430

I note that Secretary Baker has just visited Mongolia. It is the first time in history that an American Secretary of State has been there.

I very much hope that the extraordinary example of a Communist country in Asia, making the transition of a socialist dictatorship to a parliamentary democracy serves as an example to the remaining Communist tyrannies in that part of the world, which seem to have fallen somewhat behind the times. Communism has collapsed in Eastern and Central Europe. It is in the process of collapsing in the Soviet Union where it first got its start, about 74 years ago. However, it is still alive, if not well, in China, in North Korea, in Vietnam, in Cambodia, and in Laos.

Just as the collapse of communism in Poland served as an inspiration to the other countries of Eastern Europe which shortly followed suit, let Members hope that the collapse of communism in Mongolia serves as a similar example to the people who remain enslaved by Communist tyrannies elsewhere in Asia.

This resolution takes note of these developments and extends to the people of Mongolia the hardiest congratulations of the United States, and welcomes them at long last into the community of free nations.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. Mr. Speaker, I consider it a high honor and personal pleasure to yield however much time he consumes to the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, I want to say to my chairman of the Subcommittee on Asian and Pacific Affairs that I will not take the time to warrant that kind of introduction.

However, I want to commend the gentleman and members of the subcommittee with regard to this resolution and the very clear explanation of why a resolution of this kind is so important. We need to emphasize the fact that Mongolians have stepped out to join the rest of the world, unlike some of our colleagues in Asia, and a few other places around the world, including Cuba, who have not seen fit to join the modern world.

We need to do everything we can to encourage the Mongolians to do more as they move along toward liberalization of their own society.

Let me also remind our colleagues that they have not only caught on very fast, but they have worked very fast and very swiftly. Already the President of Mongolia has been to this country. We have met with the delegations of Mongolians. They are very anxious, excited, and interested in working with the United States. We ought to demonstrate in every way we can that we are willing to reciprocate.

Mr. SOLARZ. Mr. Speaker, if the gentleman will permit me, the chairman of the committee, the gentleman from Florida [Mr. FASCELL] mentioned that the President of Mongolia had been here in February. As I look across the aisle I see my very good friend, the gentleman from California [Mr. LAGOMARSINO] whom, if memory serves correctly, was with me at a small dinner that President Ochirbat gave for us and one or two of our colleagues, when he came to Washington in February, I believe it was.

During the course of the dinner we asked President Ochirbat of Mongolia what he thought of the war that was then taking place in the gulf. He reminded Members that 633 years ago, Kublai Khan, the grandson of Genghis Khan, who was then the ruler of the Mongolian empire, dispatched an expeditionary force to sack Baghdad, because, we were told, the Iraqis were acting arrogantly.

So it seems as if not much changes in that part of the world. I must say that President Ochirbat brings a useful historic perspective to some of the continuing problems we face in dealing with the Iraqis at the present time.

□ 1440

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 21) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on Senate Concurrent Resolution 21, the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 2837, MILK INVENTORY MANAGEMENT ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until 12 midnight, July 29, 1991, to file its report on H.R. 2837, entitled the "Milk Inventory Management Act of 1991."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TECHNICAL AMENDMENTS TO VARIOUS INDIAN LAWS ACT OF 1991

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1193) to make technical amendments to various Indian laws, as amended.

The Clerk read as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technical Amendments to Various Indian Laws Act of 1991".

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

(a) EXTENSION OF TIME FOR OPERATION OF CERTAIN GAMING ACTIVITIES.—Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703) is amended by adding at the end of paragraph (7) the following new subparagraphs.

"(E) Notwithstanding any other provison of this paragraph, the term 'class II gaming' includes, during the 1-year period beginning on the date of enactment of this subparagraph, any gaming described in subparagraph (B)(ii) that was legally operated on Indian lands in the State of Wisconsin or Montana on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requested the State, by no later than November 16, 1988, to negotiate a Tribal-State compact under section 11(d)(3) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(3)).

"(F) If, during the 1-year period described in subparagraph (E), there is a final judicial determination that the gaming described in subparagraph (E) is not legal as a matter of State law, then such gaming on such Indian land shall cease to operate on the date next following the date of such judicial decision".

(b) REAUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL INDIAN GAMING COMMISSION.—Section 19(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(b)) is amended to read as follows:

"(b) Notwithstanding the provisions of section 18, there is authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for the fiscal year beginning October 1, 1991.".

SEC. 3. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

Section 204 of the Indian Land Consolidation Act (25 U.S.C. 2203) is amended—

(1) by deleting "(1) the sale price" and inserting in lieu thereof "(1) except as provided by subsection (c), the sale price"; and

(2) by adding immediately after subsection (b) the following new subsection:

"(c) The Secretary may execute instruments of conveyance for less than fair market value to effectuate the transfer of lands used as homesites held, on the date of the enactment of this subsection, by the United States in trust for the Cherokee Nation of Oklahoma. Only the lands used as homesites, and described in the land consolidation plan for the Cherokee Nation of Oklahoma approved by the Secretary on February 6, 1987, shall be subject to this subsection.".

SEC. 4. AMENDMENT TO THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE ALLOTMENT OF LANDS OF THE CROW TRIBE, FOR THE DISTRIBUTION OF TRIBAL FUNDS, AND FOR OTHER PURPOSES".

Section 1 of the Act entitled "An Act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes", approved June 4, 1920 (41 Stat. 751) is amended by inserting immediately after *"Provided,* That any Crow Indian classified as competent shall have the full responsibility of obtaining compliance with the terms of any lease made", a comma and the following: "except for those terms that pertain to conservation and land use measures on the land, and the Superintendent shall ensure that the leases contain proper conservation and land use provisions and shall also enforce such provisions".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 1193, the Senate bill now under consideration.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1193 is the Technical Amendments to Various Indian Laws Act of 1991.

The bill contains two amendments to the Indian Gaming Regulatory Act. First, pursuant to requests from the tribes in Wisconsin and Montana and the governments of the two States, it allows for an extension of the grace period for the tribal operation of certain video games in Wisconsin and Montana.

This allows for additional time to negotiate tribal-State gaming compacts within those States.

In spite of our allowing this extension, I have some concerns about the operation of certain video machines. When the act was passed, gaming was divided into three classes. Class I is traditional gaming regulated by tribes. Class II is supposed to be bingo and certain card games allowed in the State. These Class II games are regulated by tribes and monitored by the Commission. Specifically excluded from class II are electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

The committee has received reports that in spite of this provision—slot machines are being operated on Indian lands in direct violation of this law.

The intention of the law was that forms of gambling and slot machines, if they were legal in a State for any purpose, were to be brought to the table and dealt with in a class III compact between the tribe and the State.

The committee is concerned that slot machines and other games are being operated on Indian lands out of compliance with the Indian Gaming Regulatory Act.

The committee will give this matter strict scrutiny and seeks to put anyone violating the act on notice that noncompliance puts all Indian gaming in jeopardy.

Second, the bill provides for a reauthorization of the National Indian Gaming Commission through the end of fiscal year 1992. This is a variation from the bill as passed by the Senate. The committee changed the reauthorization period from 2 years to 1 year. We did this for two reasons. First, under the law the Commission was supposed to be partly self-sufficient by now. It is not. An additional year should be ample time to develop a method to assess fees from tribal gaming operations. Second, next year when the Commission returns for another reauthorization for either full or partial Federal funding the committee seeks to scrutinize the mission, goals, and progress of the Commission. We need to know that it is doing the job for the tribes and that gaming is being conducted within the parameters of the law.

The bill also amends the Indian Land Consolidation Act to allow the Cherokee Nation of Oklahoma to accept less than 10 percent of the appraised value for the sale of certain lands to Mutual Help home buyers.

Finally, the legislation amends the Crow Allotment Act of 1920 to clarify the Interior Secretary's responsibility to maintain sound conservation practices on certain leased lands.

Set forth below is an analysis of the bill:

EXPLANATION OF PROVISIONS

Section 1 cites the bill as the "Technical Amendments to Various Indian Laws Act of 1991".

Section 2(a) amends the Indian Gaming Regulatory Act (IGRA) passed in October 1988 to extend for another year the grace period for operation of certain video gaming machines in the states of Montana and Wisconsin. Due to unforeseen circumstances, tribes in those two states have been unable to complete negotiations to enter into tribal/state compacts with respect to video games that were operated on May 15, 1988, and were legal at that time. On passage of IGRA certain games were classified as class III games and became subject to regulation under a tribal/state compact. Congress enacted a one-year grace period during which time tribes could continue to operate the machines in question while working with the states to negotiate compacts. That grace period was extended for one year for tribes in Minnesota and, in another enactment, for tribes in Montana and Wisconsin. The Minnesota tribal/state compacts have been negotiated and are in place. However, tribes in Montana and Wisconsin have asked for another one year grace period and the Governors and Attorneys General of those states have concurred, as well as the U.S. Senators and Representatives from those states.

This provision extends only to the two states, and is not intended to act as a license for tribes in other states to engage in Class III gaming activities that were not otherwise legal in the states in which they were operated upon the date of enactment of the Indian Gaming Regulatory Act or which would be illegal unless operated pursuant to a tribal/state compact.

Section 2(b) extends the authorization for funding the National Indian Gaming Commission through fiscal year 1992. When the Commission was authorized under IGRA, it was envisioned that the Commission would operate with Federal funding for the first two years, after which time, funding for the Commission would be derived from fees assessed on Class II gaming operations that the Commission is charged with regulating, with a matching Federal appropriation. However, because the President's appointments to the Commissioner were delayed, the Commission just became fully operational last month.

Congressman Sidney Yates, Chairman of the Interior Appropriations Subcommittee in the House, has indicated that he must abide by the letter of the Indian Gaming Regulatory Act, and thus, unless authority for full Federal funding is extended, he will be unable to provide any funding for the Gaming Commission in the coming year. The Commission has yet to finalize regulations that would provide for the assessment of fees, and once finalized, the regulations must be submitted to the Interior Department and the Office of Management and Budget before they are published in the Federal Register. Accordingly, in the absence of a Federal appropriation, the Commission will have no means of carrying on its critical functions after September 30, 1991.

Section 3 amends the Indian Land Consolidation Act to provide for a unique circumstance. Currently, the Act requires that when Indian tribes sell lands to consolidate their holdings, they must receive no less than within 10 percent of the appraised value for such lands. In the 1960's and 1970's, 300 homes were built by the Cherokee Nation Housing Authority on Cherokee trust lands, and offered for sale to individual Mutual Help homebuyers. The Cherokee Nation is now proposing to sell the land to the individual Mutual Help homebuyers, but because of the appraised value for purposes of sale includes the improvements on the land, the Land Consolidation Act requirement that the tribe must receive within 10 percent of the appraised value of the land means that the Nation will have to recoup a cost from the homebuyers that has already been paid. The amendment to the Act authorizes the Cherokee Nation to accept less than the 10 percent of appraised value for the sale of the lands.

Section 4 amends the Crow Allotment Act of 1920, as amended. That Act allowed Indian allottees who were classified as "competent" to lease their lands without the approval of the Secretary of the Interior. The BIA issued regulations under the Act that allows the Secretary "to assure conservation and protection of their lands". Nevertheless, the Office of the Solicitor has advised that the Bureau does not retain any responsibility for compliance of the lease provisions, including conservation provisions. The BIA has therefore been reluctant to require lessees to comply with established conservation practices. The Inspector General audited the leases in 1988 and found that uncertainty exists regarding the BIA's authority over them, resulting in non-enforcement of good land use management practices and in the consequent deterioration of farm lands. This amendment clarifies that the Secretary's authority and responsibility for the maintenance of sound conservation practices extends to the Crow Indian competent leased land. The Secretary's enforcment authority is intended to include lease cancellation, bond forfeiture, or other enforcement mechanisms typically used by the Secretary in such enforcement actions.

Mr. Speaker, I urge my colleagues to support the passage of this legislation.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the gentleman from Arizona [Mr. RHODES] and myself, I rise in support of S. 1193, although I am compelled to express my opposition to the House amendment to the Senate-passed bill.

S. 1193 contains technical amendments to certain Federal Indian statutes, including a 2-year extension of the funding authorization for the National Indian Gaming Commission. The Senate-passed bill is wholly uncontroversial, has no significant costs or budget implications, and deserves the approval of this body. However, the bill before the House today amends the section pertaining to the Gaming Commission and reduces the funding authorization from 2-years to 1 year.

There are several reasons why a 2-year extension of the Commission's

funding authorization is the most prudent course of action.

First, the Indian Gaming Regulatory Act, enacted on October 17, 1988, created the Commission and authorized and envisioned 2-years of appropriations for startup purposes. These 2 years would have been fiscal years 1989 and 1990. However, the Commission did not get its first employee and spend its first dollar until June 1990, when Mr. Anthony Hope was appointed as Chairman of the Commission. The Commission itself was not fully constituted until April 1991, when the third Commissioner was sworn in. It is perhaps more realistic to consider the Gaming Commission's startup years to be fiscal years 1992 and 1993.

Second, the Gaming Act provides that beyond the startup years, the budget of the Commission may include a request for appropriations in an amount equal to the amount of funds derived from the collection of assessments from tribal gaming operations for the fiscal year preceding the fiscal year for which the appropriation request is made. Without a special startup funding authorization for fiscal year 1993, the appropriations request for fiscal year 1993, which is currently being prepared by the executive branch, cannot exceed the amount derived from assessments from fiscal year 1992. At this point, the amount to be derived from assessments during fiscal year 1992 is unknown.

This brings me to the third reason the 1-year extension is objectionable. Since the Commission was only able to begin conducting official business this last spring, the Commission's regulations for the assessment and collection of fees from tribal gaming operations are not yet promulgated. Although promulgation is expected in the very near future, it is unknown what kind of challenges to the regulations may occur and thereby delay and diminish further the Commission's ability to collect the assessments in time to make the Commission self-sufficient by the start of fiscal year 1993.

If by the start of fiscal year 1993 the Commission is unable fully to collect fees from tribal gaming operations, and also lacks funding authorization from Congress, the Commission will be handicapped in its ability to enforce and implement the provisions of the Indian Gaming Regulatory Act as intended by Congress.

Although I object to the House amendment to S. 1193, I urge passage of the bill in order that it may be conferenced with the Senate. It is my hope that the problems associated with the House bill will be fully corrected in conference.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the Senate bill, S. 1193, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

ROBERT W. KASTENMEIER UNITED STATES COURTHOUSE

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 948) to designate the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse."

The Clerk read as follows:

H.R. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 120 North Henry Street in Madison, Wisconsin, shall be known and designated as the "Robert W. Kastenmeier United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert W. Kastenmeier United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to rise in support of H.R. 948. This legislation would honor a great friend and colleague, Robert W. Kastenmeier, by designating the U.S. courthouse located at 120 North Henry in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse."

Robert W. Kastenmeier was born and raised in Beaver Dam, WI. He practiced law in Wisconsin until his election to Congress in 1958. In Congress he had a distinguished career making significant contributions, particularly in the area of the courts.

He served as chairman of the House Judiciary Committee's Subcommittee on Courts, Intellectual Property and the Administration of Justice for 21 years.

He was also a leader in other areas. He was a strong defender of individual rights, including support for the 1964 and 1968 Civil Rights Acts and the Voting Rights Acts of 1985. Throughout his career he was a defender of civil liberties, including prison reform, privacy protection, a free press, and an enlightened justice system.

In tribute to his many contributions to the State of Wisconsin and the Nation, I urge my colleagues to approve this legislation, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 948 designates the U.S. courthouse, located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse."

First elected in 1958, Congressman Bob Kastenmeier served the citizens of Wisconsin with distinction until his retirement from the House in 1990. Throughout his career in the House, he worked diligently to strengthen the criminal justice system. As the former chairman of the Subcommittee on Courts, Intellectual Property, and the Administration of Justice, he is the recognized leader of judicial reform.

Given Bob Kastenmeier's outstanding contributions to the judicial system, it is fitting that we honor our former colleague in this manner. I urge all Members to support H.R. 948.

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Mr. Speaker, I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. SAVAGE], chairman of our Subcommittee on Public Buildings and Grounds.

Mr. SAVAGE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I support H.R. 948, the bill to designate the U.S. courthouse in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse."

In 1958, Robert Kastenmeier was elected to the U.S. House of Representatives to represent Wisconsin's Second Congressional District. He served on the House Judiciary Committee and was subcommittee chairman of the House Judiciary Subcommittee on Courts, Intellectual Property, and the Administration of Justice.

It is most appropriate that a Federal courthouse be named in honor of Robert Kastenmeier, one who devoted his life and continues to make contributions in the judicial arena.

Therefore, I urge passage of H.R. 948.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the Subcommittee on Public Buildings and Grounds, the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFFE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think anything I would say would be redundant since

the chairman of the committee and the chairman of the subcommittee and the ranking minority member of the full committee have been very eloquent and thorough in their discussion of our former colleague, Mr. Kastenmeier.

Mr. Speaker, I rise in full support of this legislation.

H.R. 948 designates the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse." Bob Kastenmeier was first elected to serve in the House in 1958. When he left, at the end of the 101st Congress, Bob was the chairman of the Subcommittee on Courts, Intellectual Property, and the Administration of Justice. H.R. 948 is a fitting tribute to a man who used his leadership role on the Judiciary Committee to create a stronger Federal court system. I urge all Members to support H.R. 948.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 948.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 948, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RALPH H. METCALFE FEDERAL BUILDING

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1779) to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building."

The Clerk read as follows:

H.R. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building under construction at 77 West Jackson Boulevard in Chicago, Illinois, shall be known and designated as the "Ralph H. Metcalfe Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ralph H. Metcalfe Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1779. This legislation honors a remarkable American and former colleague, Ralph H. Metcalfe, by designating the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building."

Before entering the political arena, Ralph Metcalfe achieved international acclaim by successfully representing the United States in the 1932 and 1936 Olympics.

In later years, he taught political science at Xavier University in New Orleans, served as first lieutenant in the U.S. Army, as director of the Chicago Commission on Human Relations and as Illinois State Athletic Commissioner. He also represented the third ward of Chicago as alderman and committeeman.

In 1971, Ralph Metcalfe was elected to Congress where he served for four terms with distinction as a member of the Merchant Marine and Fisheries, Post Office and Civil Service, and Interstate and Foreign Commerce Committees. He was also an invaluable member of the Congressional Black Caucus.

Mr. Speaker, this is a fitting and appropriate honor for a great American and friend. I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the ranking minority member of the Subcommittee on Public Buildings and Grounds, the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. I thank the gentleman for yielding.

Mr. Speaker, it is very rare we have an opportunity to recognize someone who has distinguished himself both in service as a Member of this Congress as well as the athletic world.

I am particularly enthusiastic about what we are to do today. As a little personal note, Ralph Metcalfe and a handful of others were my heroes when I was very involved in the world of track, many, many years ago. Although my accomplishments were not anything like theirs, they were always the symbol that we would strive for.

For that reason I am very enthusiastic about this. The bill that we are considering right now passed through the subcommittee and through the full committee unanimously and I encourage our colleagues to vote the same way today.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of our Subcommittee on Public Buildings and Grounds, the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. I thank the chairman for yielding.

Mr. Speaker, let me first say something about this building because it is a bit unusual.

Mr. Speaker, it is the first completed under a lease-purchase arrangement where a private developer undertook the project. In other words, it did not require funds out of the building trust fund as would have been required if the Government itself had undertaken the construction and development of this project, although at the end of 30 years the Government will receive title to the property which is a 27-story, 660,000 square feet of occupiable space, a building designed for the Government's office and judicial needs.

But more than that it is a model for this Nation in affirmative action regarding business participation of minorities and women.

Mr. Speaker, of the total cost of the building, some $153 million, almost two-thirds of that amount are involved in subcontracts and of the subcontracts, almost $30 million went into the minority business community of the Chicago area and $7.5 million to women-owned businesses in the Chicago area.

In the process of the 2½ years that it took to construct this building it generated, including what it contributed directly, some 500 jobs in the Chicago area and represented some $500 million pumped into the Chicago economy.

But, more important than that, Mr. Speaker, blacks too must be seen in their contributions to our Nation and too few Federal buildings across this land bear the names of blacks. It is important not only for the motivation of the black children but for the education of white children to know that we too have contributed to the great legislative history of our Nation. Ralph Metcalfe was more than a distinguished Member of this body, he was indeed an Olympic track star, but was a giant in local Chicago politics before being elected to Congress.

More than that, he served his constituents of the First Congressional District long and well and left a tremendous legacy including the experience and knowledge passed on to his eventual successor, later the first black mayor of Chicago, my good friend and late colleague, the distinguished Harold Washington.

So this was indeed a significant contribution to our Nation.

Finally, let me add that this will complete a triangle of three Federal of-

fice buildings in downtown Chicago, one named after the late Senator Dirksen, another named after the late Congressman Kluczynski and now, finally, Ralph Metcalfe. In those three names we can see what democracy is really about.

□ 1500

Mr. Speaker, in Chicago we have had the problem of streets being named after a black, but only that portion of the street that ran through a black neighborhood. In this instance this name will be on the building in the international downtown, the heart of our city, and I think this should make us all proud of Chicago in that it should become a model for this Nation.

Mr. Speaker, H.R. 1779 is a bill to designate a Federal building in Chicago, IL, the "Ralph H. Metcalfe Federal Building."

The Federal building has a unique history. I am especially pleased to propose a name for this building because in 1986, I initiated legislation which authorized the funding of $153 million for its construction.

This 27-story, 660,000-square-foot structure is scheduled to be completed next month. It is one of the first major Federal buildings to be developed by lease-purchase arrangement, an innovative financing arrangement which will save the taxpayers millions of dollars.

In addition, the development project serves as a model, having the highest percentage of minority and women subcontractors in the area.

I introduced H.R. 1779 because there are very few buildings in America named for African-Americans. Generally speaking, Federal buildings are named after individuals who have made significant contributions to this Nation.

When most Americans hear the name Ralph H. Metcalfe, they think of how Metcalfe represented their country in the 1932 and 1936 Olympics. Metcalfe won gold, silver, and bronze medals. That was a significant contribution to this Nation and to the world.

Ralph Metcalfe served as a first lieutenant in the U.S. Army and was also a political science professor and track coach at Xavier College in New Orleans. These posts also were significant contributions to this Nation.

In 1971, Ralph H. Metcalfe was elected to the U.S. House of Representatives. He served on the Merchant Marine and Fisheries, Post Office, Civil Service, and Interstate and Foreign Commerce House Committees. He served the constituents of the First Congressional District of Illinois long and well, and he left a tremendous legacy, including the experience, knowledge and wisdom passed on to his eventual successor, the late Harold Washington. This, too, was a significant contribution to the Nation.

In addition to being a nationally prominent American, Ralph H. Metcalfe held a variety of important local posts in Chicago and the State of Illinois. He represented Chicago's third ward as alderman and committeeman, served as director of the Chicago Commission on Human Relations, and was an Illinois State Athletic Commissioner.

Though we did not serve in Congress concurrently, I knew Ralph Metcalfe well. To quote my distinguished colleague, the Honorable JIM OBERSTAR, at the subcommittee hearing on this matter on April 25, "* * * He (Metcalfe) stood up to privilege and power and stood up for principle and I think it's time we stand up for Ralph Metcalfe."

I urge my colleagues to join me in the passage of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my very able colleague, the gentleman from Illinois [Mr. SAVAGE], for initiating this legislation.

H.R. 1779 will designate the Federal building under construction at 77 West Jackson Boulevard in Chicago, IL, the "Ralph H. Metcalfe Federal Building." Ralph Metcalfe distinguished himself as both an athlete and a public servant.

Prior to coming to Congress in 1971, he served in the U.S. Armed Forces as a lieutenant, taught political science at Xavier University, and was director of the Chicago Commission on Human Relations. His first elected office was as an alderman and committeeman for the third ward in Chicago.

During his tenure in the House, Congressman Metcalfe was a highly regarded member of the Merchant Marine and Fisheries Committee and the Post Office and Civil Service Committee. Unfortunately, his House career was cut short by his untimely death in 1978.

Designating a Federal building in Chicago as the "Ralph H. Metcalfe Federal Building" is a fitting tribute for our former colleague, and I urge all Members to support H.R. 1779.

Mr. Speaker, I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 1779.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1779, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT OF INTENTION TO PROCEED TO CONSIDERATION ON TUESDAY NEXT OF HOUSE JOINT RESOLUTION 308, RESOLUTION OF DISAPPROVAL OF BASE CLOSURE RECOMMENDATIONS

Mr. ASPIN. Mr. Speaker, pursuant to section 2908(d) of Public Law 101-510, I would like to announce my intention to move to proceed to consideration of House Joint Resolution 308, disapproving the recommendations of the Defense Base Closure and Realignment Commission, on Tuesday, July 30, 1991.

THE MOST EXPENSIVE FEDERAL OFFICE BUILDING CONSTRUCTION IN HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues a matter that not many Members have focused on: A plan by the CIA to relocate between 5,000 and 6,000 employees from 21 offices in the Washington area. Members have not focused on this matter because the House has been left out of the decisionmaking process on the relocation plan. This lack of congressional consultation is particularly troubling because this plan would cost $1.2 billion—making it the most expensive Federal office building construction in history.

I will not take the time of the House today to outline the many serious concerns that I have about the CIA relocation plan. The House Permanent Select Committee on Intelligence will hold an open hearing on this matter tomorrow morning, and the committee should be commended for providing a forum where this relocation plan can be given the careful scrutiny it deserves. I have been asked to testify at the hearing, and I would request that the statement that I plan to make be included in the CONGRESSIONAL RECORD at the close of my brief remarks today.

In brief, I plan to raise four questions about the relocation plan that should be answered, in the name of good government, before the relocation is allowed to proceed.

First, how much would the relocation cost, and are these costs justified?

Second, how would the relocation affect the ability of the CIA to perform its mission?

Third, how would the relocation affect the 5,000 to 6,000 employees involved and their families?

And fourth, did the process that the CIA used to develop this plan meet the standards that Federal agencies should meet?

Until these items are addressed, many will remain unconvinced that the relocation plan as it stands is warranted. These concerns should be addressed before the CIA is authorized to proceed with its present course, for the sake of the employees involved, the American taxpayers, and the integrity of the Central Intelligence Agency.

STATEMENT OF REPRESENTATIVE FRANK R. WOLF, HOUSE HEARING ON CENTRAL INTELLIGENCE AGENCY RELOCATION JULY 30, 1991

Mr. Chairman, I want to thank you for holding this hearing and for inviting me to

testify. As members of the Committee are aware, the CIA has announced a plan that would create two new large CIA facilities, which would be in addition to CIA headquarters at Langley. Press reports indicate that the plan would involve the relocation of between 5,000 and 6,000 employees from 21 offices in the Washington area to two new campus-type facilities.

I plan to raise four questions today about the proposed relocation plan that should be answered, in the name of good government, before the relocation is allowed to proceed. Many will be surprised to learn that although the proposed relocation would cost $1.2 billion, would involve thousands of federal employees and their families, and would affect the ability of the CIA to perform its mission, Congress has been kept in the dark about the decision. Even though this would be the most expensive federal office construction project in history, the House and almost the entire Senate have been left out of the process.

Because Members of the House have been left out of the decision-making process on the relocation plan, many Members have not focused on this matter. Given that the relocation would involve thousands of employees at a very important agency of the federal government and would cost more than a billion dollars, the lack of congressional consultation is very troubling. It raises serious questions about whether Congress' constitutionally granted role has been followed.

The history of the CIA relocation is murky, but it has its origins several years ago when the agency began to review ways to reduce the cost of leasing space in the National Capital Region. A group at the CIA was tasked with considering various options, including the consolidation of facilities at existing and new locations. During this period the CIA failed to inform Congress of the scope of its plans. In fact, in recent months CIA officials were purposefully vague and misled me about the status of the relocation plan. I was told on several occasions that the plans for relocation were still in a preliminary stage, right up until the plan was announced as a done deal. And earlier this year I was urged not to discuss publicly the plans for relocation. Did the top leadership of the CIA want to make sure that the House had already completed action on the Fiscal Year 1992 Intelligence Authorization Act, before making known the true scope of their relocation plan?

Members of this Committee included language regarding the relocation in H. Rept. 102-65, the report which accompanied H.R. 2038, the Intelligence Authorization Act for Fiscal Year 1992. The Committee report requested that the Director of Central Intelligence "undertake a community-wide review of facilities and activities to determine if consolidation among agencies should take place, and whether the need for area consolidation—specifically by the DIA and CIA—is warranted based on the community requirements." Yet just nine days after this measure passed the House, the CIA announced its relocation plan.

The Intelligence Authorization bill passed the House on June 11, and the same day I had a letter hand-delivered to CIA Director William Webster which posed 47 separate questions about the pending plan for consolidation. This letter followed up a meeting that I had with Director Webster in which I raised several concerns about the proposed relocation. I was told at that time, as I had been told over the past several months, that the CIA was still in the initial phases of considering the relocation. Despite my request, and despite the language in the report to the Intelligence Authorization bill which called for a thorough analysis of the need for and effects of a relocation, on June 20 a plan was announced that would close 21 Washington-area CIA offices and consolidate them in two new campus-like facilities.

Some have raised the possibility that, because the decision-making process was so completely cut off from public scrutiny, and because even the oversight of this Committee was avoided, political pressure influenced the development of this plan. If this were true, it would certainly not be in the public interest. If it were true, it would be inappropriate and would mean that even the most powerful intelligence agency in the world would bow to outside pressure. If it were true then this relocation plan should fail. Because in any enterprise, whether a new business or a new building, in any structure, it is the foundation which most needs strength.

Again, I want to thank you for holding this hearing, which is an important step toward illuminating how the plan was developed, and what it could mean for the future of the CIA. I hope that the Committee gives careful scrutiny to this plan, to determine whether an expenditure of $1.2 billion is justified for a consolidation that would result in three large CIA facilities, one in West Virginia.

I plan today to offer a few comments which should suggest that many, many questions remain unanswered. In fact, it is my understanding that thus far the appropriations for this project have been hidden. It has been reported that the initial funds for the CIA to consider the feasibility of consolidation were hidden in the classified annex to the Fiscal Year 1991 Defense Appropriations bill, so that the public and even most Members of Congress were unaware of it. That funds for planning a federal office undertaking of this magnitude were hidden in a classified annex is completely inappropriate. The American public deserves a thorough accounting of the relocation plan, because of the important national security concerns and the amount of taxpayer funds involved.

As I indicated a moment ago, today I want to focus on four questions that need to be answered regarding a CIA relocation. The first question is how much the relocation would cost. The second is how the relocation would affect the ability of the CIA to perform its mission. The third is how the relocation would affect the 5,000 to 6,000 employees involved and their families. And the final question is whether the process that the CIA used to develop this plan is in the best interests of the American public, and was consistent with the standards of good government that any federal agency should meet.

COST OF CIA RELOCATION PLAN

Judge Webster's July 6 response to my June 11 letter indicates that the CIA relocation plan would cost $1.2 billion, making it the most expensive federal office building construction project in the history of this nation. The construction costs alone would total $660 million. This is more than the Pentagon cost when it was constructed. It is more than the cost of any of the pending consolidations of other federal agencies, even those with special security requirements that must be included in the construction. But Members should also be aware of additional costs that will be associated with constructing secure facilities for the CIA. First, the agency will have the use approved sources of materials, and during construction these materials will need to be inspected. The construction companies involved will be required to use screened personnel. These will be very expensive items, and could substantially increase the eventual costs of this plan.

But construction costs will not be the only costs borne by the general Treasury if this plan is adopted. The Director of Central Intelligence's July 6 letter indicates that moving costs associated with relocating the physical offices involved would total $2 million. The move of these items will require guards at both ends and along the route of transport, as well as the inventory of everything picked up and everything delivered. This will be a time-consuming, disruptive, and expensive process.

The letter does not contain an estimate for the total costs of relocating CIA employees and their families, thus the $1.2 billion figure may increase as we learn the actual number of employees who would be forced to move. A portion of the employees whose positions move to West Virginia would be eligible for government reimbursement for relocation expenses under chapter 57 of Title 5, United States Code. The CIA's July 6 response stated that relocation expenses could total an average of $45,000 per qualifying employee.

Secure communications would be a major added expense under the relocation plan. While the total cost of new communications is unclear, the CIA indicated that the cost of communications connectivity to the Jefferson County site is an additional $3 million above the amount it would cost for the same connections at closer sites.

We should also ask what the additional costs will be related to security clearances. If this relocation is like others planned to West Virginia, then many of the employees will choose not to relocate. The CIA will have to hire employees to replace them, and these new employees will need a polygraph clearance. It is my understanding that these clearances are now averaging between 9 and 15 months to complete, at a cost of approximately $13,000 per clearance. Thus, the clearance of new employees could prove to be an additional significant disruption to the operations of CIA components relocated to West Virginia. The clearance costs would also add to the already high $1.2 billion figure.

Clearly, these significant costs merit careful scrutiny by the Congress. If the Congress is to authorize the expenditure of $1.2 billion in taxpayer funds, there should be detailed analyses of whether the plan would promote the mission of the CIA, with attention paid to how the plan would affect CIA employees and their families. It is just as important that Congress determine whether the process that the CIA employed in selecting the two sites proposed in its plan ensures that the federal government will get the most for each taxpayer dollar spent.

EFFECTS OF RELOCATION ON CIA OPERATIONS

Creating two separate and distinct new consolidated campus-type facilities, with one up to two hours from the District of Columbia, could have a profound effect on the ability of the CIA to perform its vital mission. The world has changed dramatically in recent years, and the United States intelligence community will need to keep pace with these changes to fulfill its mandate and meet the challenges of the years ahead. It seems self-evident that the CIA should seek to strengthen its institutional unity as it adjusts to its new role. It seems self-evident that the CIA should build upon the strengths of its human resources as it meets these challenges. Yet the proposed relocation plan would achieve the opposite result on both counts.

The relocation plan as it stands would create disunity at the agency by creating geographic separation that would lead to operational separation, jeopardizing the institutional integrity of the agency. Each campus would develop its own personality, and an "us" versus "them" attitude could debilitate the agency. At a time when the CIA will be called upon to develop a renewed institutional unity to meet the needs of a new world order, the current relocation plan would balkanize the agency.

It would also drain the resource that will be most important in helping the agency adjust to its new mission—the CIA employees. I will discuss the effects of the proposed relocation on CIA employees in more detail in a moment, but I want to emphasize that dislocating employees and drastically affecting their daily commute and their family lives will have a very negative effect on their ability to perform their jobs. Already at Langley headquarters and at the other facilities, employees are becoming concerned with the potential that they will be relocated.

In addition, it is important when discussing a relocation to emphasize that the CIA is not just another federal agency: it is the central intelligence function of our government. The CIA coordinates and oversees the entire intelligence community. In this role, it must interact on a daily basis with the White House and with other federal agencies. During times of heightened national security activity, the CIA must be able to get information to federal agencies at a moment's notice.

Consider an element of the CIA that might not seem to need to be close to Washington, such as the agency's printing operations. During a time of international conflict, when events may escalate at a moment's notice, the CIA must have the ability to deliver written reports quickly to the White House and to other agencies. Having documents that must be hand-delivered due to national security considerations printed at a location two hours from downtown Washington would simply not be in the national interest.

It is also important to note that a relocation of components of the CIA could have an adverse effect on other agencies, such as the Army, Navy, Air Force, Defense Intelligence Agency, the National Security Agency, the Defense Advanced Research Projects Agency, the Joint Chiefs of Staff, and the departments of Commerce, Justice, and State. Often when CIA employees meet with employees of these agencies it must be done at a CIA facility, in an area cleared for the specific project. If the CIA were relocated to West Virginia, would employees from these other agencies be forced to make a long commute for such meetings?

In addition, some CIA employees, for mission purposes, never acknowledge their actual place of employment. Members should consider whether this will be possible in a rural area in West Virginia. In northern Viriginia, where there are many federal employees and other professionals, maintaining this sort of cover is relatively easy.

Thus, it is important that we ask: is it prudent to spend $1.2 billion on a relocation plan that would negatively affect the ability of the CIA to carry out its mission?

DISLOCATION OF CIA EMPLOYEES

As a former federal employee, I have worked over the years with colleagues from both parties to promote the interests of federal employees and to secure pay and benefits that attract and retain high quality people. Many of the programs that I have championed, such as child day care, leave sharing, and flexible work schedules, currently benefit CIA employees. I firmly believe that these programs help the CIA better serve the American public. The CIA's greatest asset is not its satellites or high technology or intelligence gathering techniques: the agency's greatest asset is its people. Yet the CIA leadership has not given sufficient emphasis to the interests of employees in formulating the relocation plan.

The employees at the 21 CIA satellite facilities involved in the relocation plan have become part of their communities in Virginia, Maryland, and the District of Columbia. They have joined places of worship, are involved in community service, have spouses employed in the area, and children active at local schools. As the ranking member of the Select Committee on Children, Youth, and Families, I am very concerned that the needs of these families be taken into account.

In Director Webster's July 6 response to my June 11 letter, he stated that "the vast majority of current employees would not need to relocate to work at either of the proposed consolidation sites." The CIA has made several assumptions in arriving at this response. The first is that CIA employees would choose to commute to their new location, regardless of where they currently live. It is no wonder that the CIA would prefer to believe it.

By claiming that employees would be able to commute from their current homes the CIA avoids the harsh reality that employees would face a difficult choice: employees will have to decide whether to sell their homes, which could mean severe financial difficulty in the current real estate market, or face a long commute.

By claiming that employees would not have to move their homes, the CIA also understates the true cost of the relocation, because the federal government will be liable for employee relocation allowances such as: household goods shipping costs, real estate commissions, closing fees and the taxes the fees incur, storage costs, temporary housing costs, new home search assistance costs, family move costs, and the taxes incurred in reimbursement for moving expenses.

If we unravel the CIA's statement that employees would not have to relocate their homes, we see that the agency makes even more troubling assumptions. The CIA leadership assumes that employees will be willing to endure a commute that could be three hours to as much as four hours a day, two hours each way, from parts of northern Virginia, where the majority of current employees live, to Jefferson County, West Virginia.

As one who has worked to improve the transportation systems in this region, this is particularly troubling to me. A four-hour daily commute will affect the morale and performance of CIA employees at the new facility. The negative effects will be intensified during the winter months, when ice and snow could make the commute to West Virginia dangerous and at times impossible. There may be times when employees, rather than make a several hour commute on icy roads back to northern Virginia, would have to spend the night at the proposed facility.

We should also consider how a multi-hour daily commute would affect the family lives of CIA employees. Many employees would lose precious time that they spend with their children and spouses at home. And today, when so many pressures in our society threaten the family structure and the upbringing of children, every additional hour spent away from the family hurts. The CIA relocation plan as it stands would divide parents from their children for hundreds of precious hours each year.

Another assumption that the CIA has made is equally troubling. The CIA leadership seems to expect many current employees whose jobs would be moved to West Virginia will leave the agency rather than relocate. In Director Webster's July 6 letter, he states that "many of the employees who will work at the proposed sites will be hired between now and the late 1990s." In response to another question, he states that the agency might consider "early-out" retirements as an option for employees.

What does this mean for the current employees who have years of experience and have devoted their careers to the CIA? Many intelligence positions are highly specialized, and given the current state of the economy, mid-career employees could have a difficult time finding comparable work. Would mid-career employees be able to find comparable jobs outside of the CIA? Think for a moment how difficult it is for a man or woman in their mid-50s to change careers.

This is not a particularly good time to be searching for a job. The data compiled by the Bureau of Labor Statistics is not encouraging for these employees, since 1990 data indicates that more than 40 percent of those employees who had lost full-time jobs and moved into other full-time jobs took a pay cut.

Another proposed federal relocation to West Virginia, involving the relocation of 2600 positions at the FBI Identification Division (ID), suggests that many employees will not choose to relocate. The FBI surveyed employees of the ID division and found that only 32 percent of them would relocate. A 1987 survey of private sector companies found that human resources departments experience a refusal-to-relocate rate of about one quarter of employees whose positions have been moved.

I think it is important to consider whether the CIA relocation plan would result in the exodus of some of the best and brightest CIA employees. Before moving forward with the current plan, the CIA should survey employees at the offices involved to determine just how many would be prepared to relocate. The CIA should also determine whether top management at these facilities would relocate.

The CIA should try to retain many of the experienced and dedicated individuals whose jobs would be affected by any plan for consolidation. Under the current plan, it is unclear what consideration the CIA would make for employees whose families would be uprooted by the relocation? Judge Webster's July 6 response indicates that "about 58 percent of [the CIA] work force is male, and about 41 percent is female." No explanation is given for the missing percentage. His letter also projects that by the year 2000 the percentage of female employees would increase by roughly 11 percent, and that the number of employees with working spouses and school age children will increase proportionately.

What provisions would be made for working parents, who have established a network of support in child care providers, after school programs, and extracurricula activities? What provisions would be made for employees who have children with special educational, physical, or emotional needs that are currently being met in programs in this area? What provisions would be made for employees whose spouses work close in to Washington, D.C., and could not find comparable work near the new location? What

provisions would be made for employees with teenage children who are settled into a school in this area, and who could face adjustment problems? Should we be concerned that research has shown that geographic relocation results in impaired social relationships and destructive behavior among teens?

In sum, the relocation plan as it stands could have a devastating effect on thousands of CIA employees and their families. It is critical that we ask ourselves whether we can justify spending $1.2 billion to implement a plan that could have such far-reaching negative effects.

THE PROCESS USED TO DEVELOP THE RELOCATION PLAN

Many serious concerns have been raised about the manner in which the site selection process for the relocation was conducted, and about the way that the plan announced on June 20 was developed. Given the size and the scope of the relocation plan, what kind of precedent would it set for future large federal procurements?

In regard to the site selection process, many Members of Congress will be surprised to learn that the General Services Administration, the federal government's lead agency on federal office space matters, was not involved. Even though GSA currently coordinates with CIA on several million square feet of office space, even though GSA has repeatedly demonstrated that it can effectively plan, design, and acquire space for CIA and meet its security requirements, that agency was not involved. And members of this committee should be aware that GSA has worked successfully with other agencies with security requirements, such as the National Security Agency, the FBI, and the departments of Defense and State. Had the GSA been involved, it is likely that a more orderly and appropriate procurement process would have taken place.

Instead of working with GSA, the CIA spent additional taxpayer dollars by going to an outside consultant. Moreover, it is my understanding that neither the Office of Management and Budget nor the White House were involved in the development of the plan. Did the National Security Council or the Defense Intelligence Agency have input into the national security aspects of this plan? These questions remain.

It is unclear whether any formal rules of procurement governed the CIA's review of possible locations for a new facility. Director Webster's July 6 letter states that a real estate consultant was retained by the CIA, and that the consultant screened properties, ranked them, and that only four primary sites were submitted to senior CIA management for consideration. This approach would raise serious concerns in any procurement process, much less this one which involves $1.2 billion in federal funds.

Why was there no public solicitation for offers? Was there a formal and systematic review of offers? Were there negotiations between contracting officers and interested parties, so that a competitive process would result in the best deal for the American taxpayer? Why were there no extended negotiations, to obtain best and final offers?

Why has there been no assessment of the environmental impacts of potential courses of action? Was an environmental impact statement prepared? What would be the impact of the plan upon soil, water, and air quality at the proposed sites? What would be the impact upon vegetation and wildlife?

Why has there been no assessment of traffic impacts of the relocation plan? Let me suggest that CIA officials check the traffic projections over the next 10 years along Route 7, which is the avenue that they propose employees use to commute to the new site, and see if they still maintain that the commute from headquarters to Jefferson County will only be 70 minutes.

Projections by the Virginia Department of Transportation indicate that traffic along Route 7 West will double in the next 20 years. And these projections were made without considering the many thousands of extra trips that would be made daily if the CIA relocated to West Virginia.

Why was there no attempt to locate the site so that employees could utilize the METRO system? I have worked hard with Members from this area to win the support of Congress for funds for the METRO system, which is one of the finest in the country, and federal agencies should attempt to utilize the system.

Why was there no attempt to take advantage of the glut of commercial space in northern Virginia, to get a good deal on additional space? Was there serious consideration given to properties already held by the federal government—such as RTC properties or military properties that will be excessed? These questions and many more suggest the need for an orderly, open, and competitive procurement process.

Many will also have serious misgivings about the manner in which the relocation plan was developed. What interest is served when a handshake and a nod settle a plan that would affect 5000 to 6000 employees and their families, would cost $1.2 billion, and would determine the very course of one of the most important agencies of the federal government? This is not the way that the federal government should operate and that decisions should be made.

MANY QUESTIONS REMAIN UNANSWERED

I have raised questions today that have troubled me for several months, and which I believe deserve to be answered. The concerns I raise are not parochial: it is not merely the loss of thousands of jobs from northern Virginia to West Virginia that concerns me deeply. It is the way that the plan would affect the mission of the CIA, the way that the federal employees involved and their families would be affected, and the significant cost of this venture.

I am also deeply concerned about the way that the CIA plan was developed, and the way that the sites were selected. Given these important considerations, every Member of Congress should support full and open debate of this plan.

I want to conclude with a few suggestions for the Committee to consider:

1. No major CIA relocation plan should be adopted until its costs—including construction, relocation, and the many incidental costs—are justified by tangible benefits to the agency and documented savings in operational and lease costs.

2. No relocation plan should be adopted unless it is established that the plan would not adversely affect the operations of the CIA.

3. No relocation plan should be adopted until assurances are made that it will not result in the dislocation of thousands of employees who would face either selling their homes or a multi-hour daily commute.

4. No relocation plan should be adopted unless the CIA and the GSA jointly conduct a fair, orderly, open, and competitive procurement process which includes a delineated geographic area that keeps the CIA facility within a reasonable distance from CIA headquarters and downtown Washington, D.C.

Until these items are addressed, many will remain unconvinced that the relocation plan as it stands is warranted. Many are concerned that it would hurt the CIA, that it would hurt thousands of CIA employees and their families, and that its cost would not justify the disruption that it would cause to one of the most critical arms of the federal government. These concerns should be addressed before the CIA is authorized to proceed with its present course, for the sake of the employees involved, the American taxpayers, and the integrity of the Central Intelligence Agency.

Again, thank you for giving me the opportunity to testify.

COMPETITIVENESS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

Mr. PANETTA. Mr. Speaker, America wants to be No. 1. That is a blessing—and a curse.

It is a blessing because we are an ambitious and a tenacious people, who always strive to make things better. It is also a blessing because our economic strength helps us to be the leader in international relations; and by and large, we have done a good job in setting international standards of conduct.

It is a curse because when other nations get close to our level of economic performance, our ambition can too easily turn to desperation; and when we are desperate, we can make major mistakes.

Right now, we seem on the verge of just such a reaction to the perceived decline of our international competitiveness.

Make no mistake, our economic performance is not what it should be. But we seem poised to rush into a major policy mistake before we really understand what competitiveness is.

Perhaps the greatest mistake we could make is to seek competitiveness through the quick fix, or the silver bullet. We misunderstand the workings of the open world economy if we believe that some single, simple policy change will make all American businesses more powerful relative to their international competitors. In fact, if we put all of our trust in some shiny-looking bullet, our policy gun will most likely misfire—leaving most American businesses worse off relative to their international competition.

Rather, I believe that we can best promote the consistent long-term growth of U.S. living standards—what I believe is the best measure of our competitiveness—by focusing on the fundamentals that determine our economic performance: Our national saving; our investment in physical capital, human capital, and technology; and the efficient use of all of the economic resources that we have at hand.

WHAT IS COMPETITIVENESS?

In recent years, competitiveness has become almost a household word. But

it is a mush word: Too often used to convey unrealistic and vaguely articulated hopes and expectations; or to symbolize just about anything that a particular interest wants to promote. Though many people have talked about competitiveness, few have tried to say just what it is.

True competitiveness is the ability of an economy to achieve sustained increases of its standards of living in today's increasingly, open world economy. Competitiveness must include the value of the economy's currency, because if the currency falls, then the standard of living in the economy, through its ability to buy other nations' products, declines. A competitive nation's prosperity comes from its people's command over products and assets, not by a trade surplus.

Competitiveness is often portrayed by, in effect, a snapshot; but it is really captured only in a moving picture. Competitiveness is not a state, it is a process—being able to respond to the advances of other nations, and to make our own strides ahead.

WHAT COMPETITIVENESS IS NOT

That definition might come as a surprise. In fact, most people seem to think of competitiveness today simply in terms of a nation's trade surplus or deficit. Obviously, our competitiveness bears some relation to our position relative to our trading partners. But I believe that such a one-dimensional definition is short-sighted; indeed, the one sure way that we can get off track in pursuing competitiveness is to panic about our standing relative to other nations. We have to be realistic in our world view.

Forty-five years ago, with most other major nations weakened by economic mismanagement and world war, the United States could dominate the international scene. However, this could not continue—nor should we have wanted it to. We made a major effort to rebuild and reinvigorate the non-Communist nations around the world—including our most recently vanquished adversaries. Our Marshall plan and other reconstruction efforts were a tribute not only to our generosity, but to our wisdom. The progress and the example of the free-market nations have undermined world communism, and opened the door to an unprecedented peace and prosperity for the whole world.

We should take a lesson from the broad sweep of the post-World War II era. We are not better off if other nations falter; in fact, we are worse off. Poorer nations are inferior trading partners; they have less to offer us, and less ability to buy from us. We do not become taller by dragging others down.

We might be happier in terms of international relations if all other nations were weak; then we could call all the shots without challenge. But that is unrealistic. Other nations around the world, even when as beaten down as the other powers after World War II, can always make rapid progress just by imitating the world leader. In just the past few years, several developing nations have made enormous leaps by building on an improving and educated labor force and copying technology from the bigger economic powers. That process is inevitable. We were wise after World War II to lead and contribute to that process, rather than trying vainly to hold back the tide.

This historical lesson is pertinent because many observers have interpreted competitiveness through an unrealistic view of world trade. Many people seem to think that a competitive nation should run large and continuing trade surpluses. And it is true that over the last decade, during which competitiveness became a U.S. buzz word, the United States ran large and continuing trade deficits.

These people need to understand that the world system of flexible exchange rates is designed to prevent such large and continuing trade imbalances—and it is normally quite effective. With flexible exchange rates, trade imbalances bear the seeds of their own reversal. If a nation runs a large trade deficit, the value of its currency will fall as it spends more of its currency on its imports than it earns on its exports. Eventually, this will stimulate exports and inhibit imports, and thus push its trade back toward balance.

As this process plays itself out, every nation—regardless of its competitive strength or weakness—will tend to stay near trade balance. A competitive nation will be more prosperous because it has a valuable currency, and thus a stronger command over the products and the assets of other nations—not because it has a trade surplus.

Similarly, a wealthy nation would not have a competitiveness problem just because its wages were higher than in most countries. International exchange rates would adjust to bring about a reasonable balance in trade. This should be obvious from our own history; in the past, we have had trade surpluses with lower wage countries than ourselves and trade deficits with relatively high wage countries.

The flexible exchange rate system fails to have this effect only when there is something very wrong in the world exchange of financial assets—as opposed to the exchange of goods and services. In the 1980's, the system worked fine; but the United States developed an insatiable demand for credit that spilled over our borders and spread around the world—driving up the value of the dollar, and causing those large and continuing trade deficits. We gave other economic powers an enormous price advantage over us through the relative declines of their currencies.

The rub is that we cannot painlessly run this process in reverse to pursue a trade advantage. To run our trading position into the ground, all we had to do was borrow other nations' savings hand over fist, and produced instant gratification. To drive our currency down and thereby strengthen our trading position, however, we would have to invest overseas with abandon—and that would require vastly increasing our saving, decreasing our consumption, and thereby temporarily reducing our standard of living substantially. Spending sprees are frequent, but saving sprees are comparatively rare, and hard to induce in a nation such as ours.

Thus, we cannot achieve a continuing large trade surplus under normal economic conditions. In fact, pursuit of a trade surplus as the hallmark of competitiveness might well lead us to choose policies that would reduce, not increase, our standard of living as a nation. But there are other kinds of policy mistakes that can erode our competitiveness as well; prominent among them are silver-bullet policies that promise far more than they can deliver.

CHASING THE SILVER BULLET

If we misunderstand what competitiveness is, and if we shoot from the hip with some alleged silver bullet at symptoms instead of causes, we can do serious economic damage. Indeed, in the past few years, the slogan of competitiveness has been used as a cover to advocate quick-fix policies that serve other purposes, and might really make our Nation less competitive and less generally prosperous. There are three broad agendas that fall under this heading: Subsidizing exports; subsidizing particular sectors or firms in the economy; and subsidizing saving and investment. None of these addresses the fundamental factors on which competitiveness is based.

Subsidizing exports: Those who believe that competitiveness is a trade surplus might argue that we should pursue that goal directly. The silver bullet for achieving a trade surplus is generally taken to be some form of general subsidy for exports, or general penalty for imports.

Suppose that we did decide to buy a trade surplus—somehow providing rebates at the border so that our exports were cheaper overseas, or taxing imports here so that they were less attractive. In either case, we would be taxing ourselves—reducing our own standard of living—so that foreigners could buy our exports more cheaply, or so that we could afford fewer imports. That might make us more competitive, by some definitions; but would it really make us better off? Would it be smart economic policy to be poorer, but to sell more exports?

Nor would that policy have even its desired effect for any length of time. If we provided subsidies to our exports or

penalties to our imports, the dollar would rise in value to compensate, offsetting the trade-surplus policy. Worse still, other nations might retaliate by introducing their own rebates or taxes, making everyone worse off. Such beggar-thy-neighbor trade policies are widely believed to have caused, or at least significantly worsened, the Great Depression.

Though it is not often recognized, sweeping policies designed to reduce our trade deficit generally follow this very simple pattern. An example is the proposal to substitute a national sales tax or value-added tax [VAT] for some existing tax. A new sales tax or VAT would apply to imports and not to exports. But that would not generally make our exports cheaper to foreigners; our exports would travel overseas at the same price they carry now. And it would not make imports more expensive relative to U.S. goods; the same tax would be collected on both.

Some advocates make a more complicated argument. They allege that substituting a sales tax or VAT for the corporate income tax would reduce prices of exports, because they believe that the corporate tax is built into prices, but a VAT would not be. In other words, right now foreigners are paying the part of our corporate income tax that is built into the prices of the exports they buy, but instead, we would pay the VAT. That shift would be the same as the simple proposal described above: increasing the taxes that we pay to make our exports cheaper, and thereby reducing our standard of living. It does not make much sense. And even if the tax swap did initially increase exports and reduce imports, the international value of the dollar would rise, undoing the initial change in the balance of trade.

So there is no silver bullet to decrease our trade deficit. Changing our tax policy to try to move our trade balance would be like having the tail wag the dog—except that the dog would likely refuse to budge anyway.

Subsidizing individual sectors or firms: If we cannot increase our trade balance across the board, some would seek to help particular firms or sectors of the economy that are believed to be important to trade, or to economic growth more broadly. The second alleged silver bullet is a subsidy designed to make a particular business or business sector more competitive. We must take care, however, to distinguish between what is helpful to the nation as a whole, and what will serve only the few.

For example, a tax break for exporting computers, or for companies that make computers, might make these U.S. companies more competitive. But would it be good for the country as a whole? How are our taxpayers better off if we use their dollars simply to subsidize foreign consumers of particular products? Further, if the dollar amount of computer exports did rise, there would be an increase in the international value of the dollar. While sales of the subsidized products might increase, other exporting industries would actually be worse off directly, and imports would increase as well.

Furthermore, there is nothing about export jobs, per se, that make them inherently better for the Nation than jobs in other sectors of the economy. The purpose of exports, for the country as a whole, is to swap our products on favorable terms for other nations'. Increasing exports with no increase in the return flow does not increase our Nation's economic well-being, it reduces it.

Thus, policies that respond to pressures from particular business sectors might change the composition of trade—in that we would export more computers—but not the overall balance, because other exports would decline. These policies may be justified in some cases—because of hardships in a particular industry, or to change other countries' unfair trade policies. But most of the time, they simply help one U.S. business sector at the expense of the rest of U.S. business.

Subsidizing saving and investment: Another type of sweeping competitiveness policy is to subsidize saving and investment. The argument is that tax subsidies for saving—like individual retirement accounts [IRA's] or tax exemptions for interest income—will induce people to save more. Likewise, tax subsidies for investment—like the investment tax credit or the capital gains exclusion that were repealed 5 years ago—are thought by some to increase investment, productivity, and competitiveness.

It would be helpful if U.S. families and businesses would save more, but what counts is saving by the entire economy—households, businesses, and governments. An incentive that drives up the budget deficit will drain away at least part of any increase in private savings that it might induce. The evidence is that incentives would not increase private savings by more than they would increase the deficit; so it would be one step forward, one step—or maybe more—back.

The major problem is this: Any subsidy that rewards saving that would have been done anyway hurts the economy, rather than helps it, because it raises the deficit in return for saving that would have taken place in any event. Likewise, any subsidy that rewards simply moving money from one account into another hurts, rather than helps, because it raises the deficit without adding to saving.

Individuals did put large amounts of money into individual retirement accounts when contributions were deductible for all in the early 1980's; but it is most unlikely that much of this was additional saving that would not have been done anyway. Research has shown that much of the IRA deposit money came from people who already had large cash savings, and thus could just put a different label on their past savings to get the tax break. Many banks urged their customers to borrow the money to put in an IRA. That was not additional saving. And over the entire period when IRA's were available to all, the household saving rate fell sharply—from about 7 percent at the beginning of the decade to about 4 percent when IRA's were cut back. In sum, it is hard to believe that IRA's increased saving much, if at all; and given that most individuals are still eligible for fully deductible IRA's, it is equally hard to believe that liberalizing IRA's would make a discernible difference in our future standard of living or reduce our trade imbalance.

Likewise, a capital gains tax break is unlikely to help the U.S. economy to any significant degree. In fact, the period in which we cut capital gains taxes most aggressively—from 1978 to 1986—is the period in which our concerns about competitiveness began and grew. Since 1986, in fact, our investment in machinery has been stronger, and the U.S. trade deficit has declined.

A capital gains tax incentive is questionable competitiveness policy for many of the same reasons as for IRA's. The Federal Government loses revenue and our national savings decline for every tax-favored capital gain that would have been realized anyway. The best evidence is that additional capital gains that are realized because of the capital gains tax cut do not make up for that loss; we do not lose money on every transaction and make it up on volume. Predictions of massive revenue losses on capital gains after the 1986 tax reform have been proved dead wrong; we increased tax revenue by eliminating the capital gains tax break in 1986. Given that fact, it is very hard to imagine that we would make money again by turning around and going back.

A capital gains tax break is also most unlikely to increase investment. Corporations raise half of their new capital by borrowing, rather than by selling the corporate stock on which capital gains might be earned; this pattern goes back to the heyday of capital gains tax cuts, not just to when the capital gains break was eliminated. And fully half of the equity that corporations do sell is owned by institutions not subject to capital gains tax: pension funds, nonprofit institutions, insurance companies, and foreigners. They do three-quarters of the trading in corporate stock. So a capital gains tax cut will not make it easier for corporations to raise funds for investment, because the stock markets are already dominated by investors who pay no capital gains tax.

Proponents of the capital gains silver bullet seem to think that the American dream is to become a full-time Wall Street trader. But it isn't that way at all—in part because of the biggest tax break for capital gains, which is still in place. Americans dream of passing on valuable blocks of corporate stock, or valuable family businesses, to their children. The reason is that assets can be sold at their value at the time of bequest with no capital gains tax. Because of this capital gains tax break, households already pay very little capital gains tax—and so a further break will not send them rushing headlong into the market.

Nor is a capital gains tax break likely to make people more willing to embark on new ventures and start up new firms. Some argue that potential entrepreneurs who think that they have million-dollar ideas will hold back if the capital gains tax rate is 28 percent, but will take the plunge if the capital gains tax rate is 22 percent. I find that unbelievable. The United States has the lowest tax rates in the developed world on the interest, dividends, and corporate profits that such a new business would earn if it makes good. And even before the capital gains break was repealed in 1986, fully 85 percent of formal venture capital came from institutions not subject to capital gains tax. So a capital gains break does little to energize the kind of investment that makes us more competitive.

What a capital gains tax break does energize is overbuilding of commercial real estate: empty office buildings and shopping centers. While the typical American household wants to keep its assets in the family for at least a generation, the typical real estate deal is designed to be sold in just a few years. Such projects don't make money on rental income; they make money on appreciation of value—and you have to sell to cash in. Over the period of continuous capital gains tax cuts from 1978 to 1986, what grew like kudzu around America was not investment in productive equipment, it was investment in commercial real estate.

Look around you; in most American metropolitan areas, there are see-through office and retail buildings that are monuments to the capital gains silver bullet. Think how much more competitive we would be if the money, and the time, and the effort that went into those buildings had gone instead into building what the rest of the world—or even just America—wants to buy. That is competitiveness: putting our resources where they are needed, be that in real estate or any other industry.

Other advocates believe that an investment tax credit for purchases of business machinery would make our economy more prosperous and competitive. But the evidence does not support this silver bullet either. Restricting a tax benefit to equipment sounds efficient, but it is impossible to draw the line between what is productive for the economy, and what is not. The boom in personal automobile leasing was caused in large part because a business could buy equipment—an automobile—collect the tax breaks, and rent it to a family at a cut-rate price—in effect giving them a share of the tax breaks. How is our economy more competitive if Dad drives Junior to baseball practice in a leased, instead of a purchased, automobile? But it would not be fair simply to rule that automobiles were not equipment; they are, to a delivery firm or a taxicab owner. Instances like this one abound in the history of tax subsidies for investment.

Since 1986, without an investment tax credit, real investment in equipment has increased steadily to an all-time record percentage of real GNP. The reason seems to be that with low tax rates, businesses buy the equipment that earns them income, and do not waste their money on expenditures that do not turn a profit. That clears the credit markets for productive investments, and holds interest rates down.

In sum, silver-bullet policies that are alleged to increase our competitiveness do not work. In contrast, we seem to have better fortune when we pursue competitiveness and prosperity one small step at a time.

COMPETITIVENESS: SOME LESSONS FROM HISTORY

What does it mean for the United States to be competitive? What lessons can history provide?

Unfortunately, the answer is that the answer changes. At different times since World War II, our economy has provided some aspects of competitiveness and prosperity, and we should not forget these successes. But as the world changes and circumstances change, they outrun the old answers. One lesson of history is that we need to avoid serious policy mistakes, and we need to be flexible to take advantage of every opportunity.

Postwar dominance: 1947–73: In 1947, we were not exactly a rich country. We had an aging housing stock, and our factories and machines were also old and tired—except for those that we had built for our war effort. Our Federal debt load relative to national income was twice what it is now. And our average standard of living, as measured by real, before-tax median cash income, was only 45 percent of what it was in 1989. We were, however, indisputably competitive—the rest of the world had even less productive capacity, because we had largely destroyed Germany and Japan, who in turn had done considerable damage to Britain and the U.S.S.R.

What did we do with the competitiveness we had in 1947? In fact, we accomplished quite a lot. We kept up our guard to contain the expansion of the Communist command economies. We rebuilt the economies of the free industrial nations, to the point where, 40 or so years later, the relative failure of the totalitarian command economy became impossible for even its rulers to ignore. And we doubled the real before-tax income of most Americans.

And during the period of our greatest economic accomplishments, up through the early 1970's, we reduced the burden of our public debt. We ran budgets that were near balance except in times of recession, and left all the saving done by Americans to be invested in productive capital here and abroad. We did not actually reduce the national debt, but the national income grew much faster than the national debt. The reconstructed nations of Europe and Asia became more productive and competed with us, to our mutual benefit in terms of standards of living; but through the 1970's our international accounts remained in rough balance, and we had a surplus of domestic savings that we lent to add to our wealth and to help develop other countries.

Thus, our economy exhibited many attributes of competitiveness in the 1950's and the 1960's; it achieved continued growth of living standards, and maintained a strong position in the world.

But there are aspects of that golden age of 1947–73 that were not sustainable and that we cannot duplicate. For one thing, we will never again have the lead over the rest of the world that we had in 1947 because of wartime destruction. Further, some of our productivity gains were based on cheap energy and degradation of the environment. We cannot go back to that; it was never sustainable.

Energy shocks: 1973–81: The U.S. economy took a major blow in the 1970's—really two events: the energy price shocks of 1974 and 1979. The era of cheap energy was over, and fairly massive reconversion of the U.S. economy was required just to maintain previous standards of living. These price increases would have been impossible without our overdependence on energy that was underpriced relative to its true economic and social cost.

These shocks reversed at least two notable trends of the earlier period of U.S. dominance. The growth of U.S. incomes was reversed in the two sharp recessions, so that net gains over the period were small. And the growth of our economy slowed to the pace of the growth of our national debt; so the earlier shrinkage of our debt burden ended.

While the 1970's provided no really good news, they did shake us out of our energy and environmental complacency. They also showed us, for the first time since the end of World War II, that continued strong growth could not be taken for granted. Unfortu-

nately, that insult to our ambition released a desperate—and ultimately vain—chase of a policy silver bullet.

Policy mistakes: 1981–present: A final blow to the economy was the run of massive structural Federal budget deficits of the 1980's—a riverboat gamble that yielded some big long-term problems.

Ironically, the 1981 experiment in supply-side economics was a response to an early concern about a kind of competitiveness. We saw that economic growth had slowed in the energy-troubled 1970's, believed that saving and investment were going out of fashion, and decided that we needed a silver bullet to turn the economy around. The genesis of this radical policy shift is ironic because it was after 1981 that our trade deficit—the definition of competitiveness to so many who are concerned about it today—began to go south in a big way.

Although the economic policies of the Reagan administration did not create America's competitive problem, they brought that problem to a head. In doing so, they may have caused permanent structural damage to some industries, and forced us to accept more painful adjustments to erase our trade deficits.

For much of the postwar period, the United States ran trade surpluses; there was a surplus from trade in goods—merchandise trade—every year between 1946 and 1971, which was increased by frequent surpluses from trade in services and from growing investment income. By the 1970's, however, many European countries and Japan were approaching the level of technological sophistication and productivity of the United States, and the trade surplus began to shrink. In the late 1970's, the United States ran large merchandise trade deficits—though the increase in our deficit in oil trade, pushed up by the new, higher prices, more than accounted for the total deficit—but still managed to maintain a small surplus in our overall financial flows with the surplus in trade in services and increasing investment income from abroad. We invested at a healthy clip at home, and had savings left over to buy large volumes of assets abroad, until by 1980 we owned more foreign assets than foreigners owned here by a margin of $380 billion.

Unfortunately, in 1981, the large tax cuts—enacted specifically to improve our economic performance—and defense spending increases really began to turn our trade picture around. The resultant large Federal deficits plus an additional decline in private saving required us to borrow from abroad in massive amounts, a sharp contrast to our net lending to the rest of the world over the previous 30 years. The rise of the exchange rate caused by foreigners' buying of all of these dollar assets not only exposed the deteriorating competitive position of U.S. industry, but did structural damage as well. Because the dollar was way up and their products were correspondingly cheap compared to ours, foreign firms were able to establish distribution networks here and in other markets around the world. They took advantage of this opportunity by building customer goodwill and a reputation for quality. U.S. firms were late to realize that they were in a global market with world class competitors. By the middle of the decade, we were running trade deficits approaching $150 billion per year.

Thus, the big 1981 tax cuts caused the collapse of our position in world trade. But like all policy silver bullets, supply-side economics failed even on its own terms. The Republicans claimed that the Reagan economic program would cause a sharp increase in economic growth, a decline of inflation and a rise in private saving and investment, all of which would melt away the Federal deficit by 1984. But by now, even some of supply-side economics' earliest supporters admit that the huge Federal deficits overwhelmed the economy, sending interest rates sky high. The high interest rates in turn totally offset the large corporate tax cuts that were designed to make American business more competitive by stimulating investment. The collapse of private saving at the same time only aggravated the problem.

The high-flying dollar of the early 1980's gave us an illusion of prosperity: suddenly, imports and foreign travel were unbelievably cheap. But that paper prosperity was not sustainable. The dollar was high only because foreigners were purchasing dollars in large volumes to lend to us and buy our assets, in order to finance our enormous budget deficit. Some supply-siders claimed that foreigners wanted to lend to Americans and buy American assets because they could see that our economy was so strong; but all reasonable economists knew that foreign investors would not continue lending to us forever. Sooner or later, our borrowings would loom sufficiently large against our wealth and our income that prudent investors would no longer want to expand their holdings of dollar-denominated assets. At that point, demand for the dollar would fall, and the dollar would have to fall in value. In fact the world financial community cooperated to make that adjustment on a controlled basis, and the dollar dropped fairly rapidly beginning in 1985. The illusory prosperity based on an over-valued dollar vanished.

Lessons of the 1980's: The competitive problem is more complex than many would like to believe. In some ways, the dramatic deterioration of the 1980's forced American business to recognize its weaknesses and begin to deal with them. However, while individual firms can regain competitiveness by improved management practices and the application of technology, we now understand that our national dominance of world trade of the 1950's and 1960's cannot be recovered. Other countries, as we could only expect, have imitated much of our technology, the education of our labor force, our industrial plant and equipment, and our managerial skills; and so they can come closer to our overall level of economic performance. Chasing our old dominance through tariffs and other trade barriers would be self-defeating, and would hurt our own exporters rather than helping them to expand markets.

Still, economic policies that recognize the damage done by the debt buildup of the 1980's can reverse that destructive trend.

While continued progress in reducing the Federal deficit will not guarantee trade competitiveness, it is necessary. If we continue our dependence on foreign credit—and the high real interest rates needed to attract it—we will continue to force the dollar artificially high, and will hinder new investment and reduce the degree of American ownership in the investment that is made. An increasing share of domestically produced income will flow to foreign owners, rather than to workers and investors here.

The Federal deficit is a key part of our legacy of debt. Interest costs on the Federal debt now account for 13.8 percent of net outlays, or some $206 billion next year. As we pointed out in the House Budget Committee report on the budget resolution, the level of Federal debt is now so high that an explosion is possible—where interest costs pile upon interest costs in an accelerating spiral. Thus, deficits beget deficits, and the erosion of our international trade position caused by the 1981 tax cuts could become selfcompounding. The private debt burden has also begun to erode our economic health; one cause of the current recession was the credit crunch of overextended financial institutions tightening lending standards.

Finally, many commentators believe that the recovery from this recession will be weak, because consumers and businesses will be reluctant to take on new debt. Businesses may be more financially fragile than in the past, and so may hesitate to make risky new investments in technologies or production facilities. They will need to put their cash into servicing their debt rather than going after new markets. Our foreign competitors will not be so constrained, and will continue to promote their exports vigorously.

Thus, this policy mistakes of 1981 will weaken our trade position for years to come, and thereby threaten our overall economic health and standards of living. Such errors must be avoided in the future. Furthermore,

the debt explosion of the 1980's has itself altered our economic environment, and we must make policy in cognizance of that change.

WHAT DOES OUR ECONOMY NEED TO BECOME MORE COMPETITIVE?

We need to concentrate, as a society, on the basic challenge—improving U.S. living standards today and into the future—rather than on symptoms of our economic sluggishness—like the trade balance. What does our economy need to promote our fundamental objective?

Competition: It might sound trite, but one of the fundamental ingredients of competitiveness in an economy is competition.

Why did American industry lose its trade position so rapidly in the 1980's, with our merchandise trade deficit skyrocketing from $25 billion in 1980 to $160 billion in 1987? As I have noted earlier, there was a slow erosion of our world trade dominance from the end of World War II to the early 1970's. That was both expected—because other nations could imitate us and catch up relatively easily—and desirable—because a prosperous free world was more politically stable. And it is also true that the fundamental cause of our trade collapse was our huge budget deficit, and the resultant decline of our national saving rate, driving up the value of the dollar and therefore the relative price of our products.

However, in the view of the rest of the world and of many people here, U.S. industry was not defeated on price alone. Far from it; both inferior quality and lagging product innovation contributed, along with price. Our slack performance probably came from decades of cozy relationships among producers and workers, isolated together in the world's biggest market. If product development in one firm was stagnant, it could lag in the others. If one firm's product was sloppy, other firms' products could be the same at no risk. If one firm gave a big pay raise and passed it on in prices, others could follow suit and keep the pace. Did we become fat and happy? Probably so.

We are still the world's biggest and most productive economy, and so we need not slavishly imitate any other nation. But competition is one attribute of the Japanese economy that we should covet. For all of the talk of cozy business-government relationships in Japan, in the marketplace, by all accounts, competition in fierce.

Though competition is a part of our capitalist creed, we are in danger of losing sight of its importance—ironically, at least in part because of our concern about competitiveness. Some would advocate that we allow our producers to team up against the Japanese—because we believe that there is strength in numbers, and because we think of the Japanese as a united front the "Japan, Inc." metaphor. We need to understand the risk of going back to our fat and happy days, when firms would imitate each other endlessly while the new and better ideas began to come from overseas.

Efficiency: We need to make the most of what we have, and to use our resources well. We will not remain a world leader by building empty office buildings and shopping centers. We need both competition and evenhanded government rules to allow our economic rewards to flow to value in the marketplace.

But our need for efficiency extends beyond our material resources. We must also develop our human resources. That requires better education of the entirety of our population—not just those destined for higher education. And in a rapidly changing technological environment, it almost certainly requires retraining of adult workers, as some skills become obsolete.

Investment: You cannot make something from nothing. We may grow our crops in order to eat, but if we eat our seed corn this year, we will go hungry next year.

Yet the investment issue goes even deeper. Beyond simply producing, we need to produce more efficiently—both better and cheaper. That means modernizing and improving our capital stock, not just replicating it. In 1990, Japan not only invested a greater percentage of its GNP, it invested more than we did in absolute terms—even though its economy is only half our size. At that rate, though, its economy will not be half our size for long.

We also need to invest in technology. New ideas are combined with machines, and themselves change machines, to improve the productive process. If lagging manufacturing techniques are what have slowed the progress of the U.S. economy, then improved manufacturing techniques will be needed to bring it up to speed.

WHAT IS THE FEDERAL GOVERNMENT'S ROLE?

We all agree that the Nation has an important task ahead to regain its economic vibrancy, or competitiveness; but it does not necessary follow that the Federal Government is fully responsible, or even that it should direct the process.

In a market economy, government should not be a dominant force. On the other hand, it is impossible to imagine a competitive economy without the Federal Government. Every political force, from the most conservative to the most liberal, has its own agenda for increasing competitiveness, differing one from the other mostly in the details when viewed in the larger scheme of things.

The issue here is more philosophy than programs. In broad terms, I would assert, government is unlikely to point the economy in the right direction, but it can easily divert the economy to the wrong path. Thus, government must avoid mistakes, and maintain the flexibility of the private sector to respond to opportunities in the world marketplace.

Economic stability: A stagnant, inflation-riddled economy cannot maintain its competitiveness. Manufacturers with weakened U.S. sales and cash positions find it hard to invest to stay on the cutting edge; and inflation makes it harder for businesses and their overseas clients to plan. The Federal Government, with the cooperation of the Federal Reserve, must maintain prosperity and price stability through its fiscal and monetary policies.

Obviously, we have made serious mistakes here. The 1980's saw large budget deficits and high interest rates, with resultant low investment and large trade deficits. The inevitable reversal on the dollar, which was necessary to turn our trade deficit around, gave foreigners a fire sale opportunity to buy U.S. assets—including firms with promising technologies—on the cheap. We still have not recovered on interest rates, national saving, and investment. Thus, the 1980's gave our long-term prosperity a one-two punch.

We will not leave the 1980's behind unless we get a vigorous recovery going. Using continued stagnation to fight our current moderate inflation can only add to the downward momentum of weak growth and limited tax revenues. There is, or soon will be, a worldwide capital shortage based on the needs of the newly open economies of the East bloc. It will not be improved by running the U.S. economy in low gear with consequent high budget deficits.

Taxation: In theory, Government can quash incentives with oppressive and confiscatory tax rates; but apart from the fantasies of supply-side economists, that has not been our problem.

To a greater extent, Government has rewarded manipulative and unproductive behavior: real estate and other tax shelters; paper transactions and carefully timed asset sales, like the infamous butterfly straddles of the early 1980s; and the transfer of existing financial assets into favored accounts, like IRA's. This kind of game-playing wastes our economic resources, and diverts our whole national mindset away from production and value in the marketplace. What happens if we educate our brightest minds, both explicitly and subliminally, that the way to get ahead in this society is to reduce someone's taxes by moving paper from one pigeonhole to another—rather than producing a good or service that people really want?

We have had more success in the last 5 years with a tax system that rewarded more—penalized less—the earning of income, in whatever form. Since 1986, despite the doomsday moanings of supply-side economists, investment in equipment, as a share of our GNP, is

up; though investment in commercial real estate has declined, that is certainly a good trade for the economy as a whole. And since 1986, our trade deficit has declined; so by any definition, our competitiveness has been served well.

Regulation: We should not more overburden American business with heavy costs of compliance with regulations than with burdensome taxes.

However, we should require that businesses follow basic standards of humane behavior. Businesses might be able to produce more cheaply if we repealed the child labor laws; but would that make us more competitive over the long run? It is more important to build a skilled and involved workforce than it is to cut costs to the bone. If the failure to set sound standards for employment practices encourages firms to squeeze one-time, short-sighted savings out of employee morale, there will be less competitive pressure to find true and enduring efficiencies and innovations. When our international competitors make their advances elsewhere, they will have the edge.

Reduction of social impediments: Crime and environmental degradation decrease productivity, because firms must divert their resources to counteract or prevent the ill effects. If firms have to hire private security services, the costs must come out of the living standards of the public, either in higher prices or lower wages or profits. Similarly, one firm's pollution can hamper another firm's productivity such as making a waterway less attractive to tourists or less productive for fishing.

Government has a primary role to play in reducing such impediments to competitiveness. Government can prevent, deter, and punish crime; it can also set efficient environmental laws that target the pollutants that have the greatest effects on production costs and the quality of life.

Investment: The Federal Government can encourage private investment by maintaining economic stability, as was noted earlier; businesses will hesitate to make long-term commitments if they are uncertain about the future. Government can also encourage investment by reducing its budget deficit's drain on the pool of national savings, and thereby reducing pressure on real interest rates.

However, there are other investments that the private sector will not make that are nonetheless necessary for economic health. These include some physical capital—infrastructure; technology—basic and non-appropriable research; and human capital education and training.

It is hard for businesses to be competitive when their shipments are late, because of transportation delays, and costly, because of damage to motor vehicles from worn-out roads and bridges. U.S. investment in infrastructure declined as a share of GNP into the mid-1980's, and has recovered only partially. Some of that decline was a natural result of the substantial completion of the Interstate Highway System; but there is reason to believe that maintenance and replacement investments have not kept up with our needs. Just as with a private home or automobile, neglect of necessary maintenance can cause costs to pile up until they become prohibitive. The Federal Government has a major role to play in maintaining our infrastructure, though it is not solely responsible. The budget deficit has been one of the most important causes of our neglect.

The Federal Government has long accepted a role in financing investments in science, on the ground that the private sector would not make such investments to a sufficient degree. The reason is that scientific knowledge is generally not specific to a particular business, and so any firm could copy the work of the investing firm for free.

In contrast, investments in engineering or technology have typically been assumed to be largely specific to a particular firm, meaning that the firm that generates the new knowledge can capture the profits from the investment. In the last few years, however, there has emerged a growing consensus that the line that has been drawn between "science" and "technology" for purposes of directing public funding is artificial, and probably counterproductive. There are almost certainly investments in engineering and technology that are not specific to particular firms or industries, and whose returns therefore are not likely to be captured fully by those who do the investing. Firms will therefore shy away, and the Federal Government could help the marketplace by providing such generic technology. The Federal role would be to generate knowledge which can be used freely by everyone throughout the economy and the Nation—a classic and universally accepted role for Government.

There is danger that such a process could backfire. It could become a massive subsidy for politically well connected firms—"picking winners," like the "silver bullet" competitiveness approaches that we should try so hard to avoid. Instead, any effort in promoting technology should be kept small, and should follow as closely as possible the independent judgments of experts in the field—pursuing knowledge in technology the way the National Science Foundation operates in science.

Similarly, there has emerged a growing consensus for investments in people. Complex technology requires highly skilled workers; for example, state-of-the-art assembly-line equipment is no longer operated by brawn alone. The weaknesses of the U.S. educational system are by now widely documented, and many of our failings are at the earliest stages of the educational process, and at the poorest levels of society. Highly effective programs have been identified for improving health and learning capacity from before the birth of a child through entry into elementary school, and funding those programs should be high on our competitiveness list. However, we cannot ignore children and teenagers who lack the knowledge and skills required in the labor force, but who are already beyond the reach of those effective early-childhood programs. Those older children will themselves become parents, and their lack of success in the labor market will handicap their own children.

However, providing these prerequisites of competitiveness requires resources. To spend some money smarter, we must cut some less-smart spending, or raise taxes. If we are not willing to ask for a tax increase, then we must impose strict tests of productivity on all forms of investment in physical and human capital, and question every dollar in the current budget.

Fairness: We will not be motivated as a people if many among us have no realistic chance to succeed. That would breed loss of hope, loss of the work ethic, and other impediments to economic health. Nor would we be fair if the contributions of the typical worker were not decently rewarded.

We are wealthy enough as a Nation to achieve fairness without stifling levels of income tax rates; our wealthy face lower tax rates than any similarly situated people. Our tax system should allow typical American workers to know that they share an important role in our economy and society. Without that assurance, their skills, and the skills of their children, will not be used to the full to maintain our place in the world.

We might especially note that competition yields losers as well as winners, and that technological change leaves some human skills behind. If we want to encourage people to take risks, if we want to keep our resources in use, and if we want to be a just society, we must deal with the people, firms, and communities who lose in the competitive process when capital and technologies become obsolete. Workers and entrepreneurs will be more likely to take the kinds of risks that yield extraordinary rewards if the costs of failure are bearable.

CONCLUSIONS

Competitiveness is not dominance—at least not in a world at peace, where people are free to learn and to yearn for a better life.

And competitiveness cannot be won in the flash of a silver bullet.

Instead, competitivness is an ongoing process of responding to competition and pursuing opportunity, of working

and investing. It cannot make us all rich quick, but it can yield a continuing preeminent position and a steady growth in our standard of living.

If we accept that challenge of seeking competitiveness, the challenge will not be our only reward.

□ 1510

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 313, REGARDING OVERSEAS BASE CLOSURES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 102–172) on the resolution (H. Res. 206) providing for the consideration of the joint resolution (H.J. Res. 313) to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States, which was referred to the House Calendar and ordered to be printed.

□ 1530

THE HUMAN PROTECTION ACT

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, today I rise to introduce the Human Protection Act. I am sure that all of us believe in clean air, clean water, and protecting our environment. However, we have gone beyond the point of reason.

Some of us have somehow reached the unbelievable conclusion that the protection of a plant or animal is more important than protection of human life. If we do not take sensible precautions, we will continue to wipe out the livelihoods of thousands of humans, prevent the development of safe roads and affordable housing, and permanently depress the economy for entire regions of the Nation.

I repeat that I support steps taken to protect and preserve habitat for endangered species. However, how do you tell a family in Colorado that they cannot have water because a Colorado Squawfish is more important than they are.

To help provide moderation to the Endangered Species Act [ESA], I am introducing the Human Protection Act along with nine other Members of Congress. The bill would amend the ESA to provide flexibility to the act. It would allow economic consequences to be considered in the listing of an endangered species, allow adverse consequences to humans to take precedence over the protection of plants and animals and require that regulatory actions minimize encroachments on private property rights whenever possible.

The Human Protection Act does not limit, eliminate, or repeal protection for threatened and endangered species. The ESA will remain a viable method to protect those species that have become threatened or endangered because of man's influence. Like the National Environmental Policy Act, the Human Protection Act merely refines the process which will be used to list a threatened or endangered species or its habitat and ensure that all relevant factors are considered during the listing process.

Presently, the Secretary of the Interior, and in certain instances, the Secretary of Commerce decide whether to list a species as endangered or threatened. The listing of a species triggers certain duties that prohibitions or limitations on certain actions that may be taken. These actions may range from building a needed dam to destroying the livelihood of 93,000 loggers.

The ESA requires that the Secretary base his determinations regarding the listing of a species solely on the basis of scientific data. This prevents economic factors from being considered in the listing of a species. The Human Protection Act would amend the ESA to allow the consideration of socioeconomic factors in listing a species as threatened or endangered.

Section 3 of the Human Protection Act prohibits the taking of any action for which the potential economic benefits to society do not outweigh the potential economic costs as they are determined by Executive Order 12.291. Section 3 of the bill requires that regulatory objectives shall be chosen to maximize the net benefits to society. This would aid in strengthening economic considerations in the listing of a species and the establishment of critical habitat.

The last section of the bill requires that the Federal Regulatory Agency do a "taking implications assessment" prior to promulgating new regulations, and to obtain certification from the Attorney General proving compliance with Executive Order 12.630, which requires agencies to assess the potential for the taking of private property in the course of Federal activity.

This section would help prevent the taking of private property in the establishment of critical habitat. Many estimate that the U.S. Fish and Wildlife Service's critical habitat proposal for the Northern Spotted Owl is estimated to impact more than 3,000,000 acres of private property in Washington, Oregon and northern California.

The ESA has impacted the entire Nation. From increasing the cost of affordable housing, to destroying the economic viability of entire regions.

In the Northwest, the listing of the Spotted Owl threatens to eliminate more than 93,000 jobs on public and private lands. The U.S. Fish and Wildlife Service's critical habitat proposal will force tens of thousands of workers and their families to the unemployment lines. The Human Protection Act would allow the consideration of economic as well as environmental concerns in the listing of any species. This would help protect working families from sure economic devastation.

In northwestern New Mexico and southwestern Colorado, the Animal-La Plata Water project has been stopped due to the protection of the Colorado Squawfish. Twenty years ago, the Government was trying to kill the Squawfish in the area and presently, management projects are being carried out in Idaho to control the numbers of Squawfish.

I contend that we cannot continue to place the protection of human beings below that of plants and animals. The time has come to make the ESA more flexible. I urge all my House colleagues to stand up and protect the livelihood of the American family by joining us in consponsoring this vital legislation.

□ 1540

TECHNOLOGY TRANSFER FLOWING FROM UNITED STATES TO JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, recently the Office of Technology Assessment [OTA] released a report on the global arms trade which was at once both revealing and frightening on how our policymakers have eroded our industrial base.

The report spells out just what the transfer of our technology, particularly weapons systems, means both to Japan and the United States. It is not a pretty picture for the United States.

According to OTA, the United States:

Transfers more major weapons systems to Japan than it does to any other nation. Although this is not viewed as a problem in the current bilateral relationship, it was viewed as a problem if relations between the two countries soured.

The report pointed out that:

The flow in defense technology between the United States and Japan has been a one-way street to Japan, with few exceptions.

It also stated:

In general, government and corporate leaders in Japan appear eager to receive U.S. defense technology, and at the same time, are reluctant to share theirs with the United States.

The problem with the transfer of technology to Japan was pinpointed by OTA that:

The present U.S. policy to permit frequent transfers of defense technology to Japan will continue to build up the defense industrial base of that nation. This, of course, raises the question of the rearming of Japan.

Another very important issue OTA emphasized was the effect on our indus-

trial base when research and development is transferred to Japan.

Just how the Japanese view this flow of defense technology was spelled out in the white paper, "Defense of Japan 2000", which was published in 1991.

The Japanese Defense Agency explained that Japan had manufactured E–2C's airborne early warning aircraft, portable SAMS and items of equipment in "terms of Foreign Military Sales." It also manufactured P–3C's antisubmarine patrol aircraft, F–15 interceptor, and Patriot missiles.

What is important in that explanation is the following quote from the white paper:

These various forms of cooperation, including the supply of technologies from the U.S. have contributed a great deal not only to the completeness and improvement of the Japanese defense capability but also to the establishment of foundations for Japan's defense industry.

Just how we came to this state of affairs with Japan is not well known. But a letter I received from a former Air Force officer somewhat explains some of the steps taken to place us on the losing side of the technology battle.

For obvious reasons I have changed the names in the letter.

The letter is from a retired American Air Force officer. It reads:

While watching a presentation about Japan on Public Television it dawned on me that you would be interested in some experiences of mine relating to the transfer of technology to Japan. In particular, their entry into computers.

For more than seven years in Japan I served as an Air Force officer. My situation was unusual because I could read and write the Japanese language, had a background in radar, air traffic control, tactical air control systems, and was rather an expert on computers.

In 1964 that was a very rare combination. I was given the additional duty as the "American" project officer for the soon to be installed BADGE system, a then highly advanced computerized radar and tactical air defense network being produced by the Hughes Aircraft Company to be owned and operated by Japan. It was a joint network that would link other computer driven systems world wide.

At that time Japan had no expertise in computers. No one produced a computer, there was virtually no research of technology. In fact at the time Japan was just beginning to enter production of their own solid state devices i.e. transistors and diodes. We sold to Japan up to that time.

There was an Air Force officer, General Greed, who was due to retire shortly who led the Military Advisory Group in Tokyo. He was about to retire in a year and arranged an offer to go to work for the Hughes Aircraft Company. He was in charge of much of the initial negotiations with the Japanese government and Self Defense Force.

The other major player was Mr. Well Known Politician-Ambassador who was extremely pro-Japanese.

The Americans wanted to put in the system, at all cost. The Japanese claimed they could not afford to maintain or operate it—so a series of strange deals were made to convince the outwardly hesitant Japanese government to accept the project.

What resulted was an offer from us to allow the Japanese to set up a production facility in Japan so that 50 percent of the project was built in Japan at our cost. It turned out to be the most ridiculously one sided transfer of technology ever.

What occurred was that in one swift action Japan entered the computer business with state of the art equipment, production facilities and technology.

This was the most advanced technology in the world. A third generation, modular, transitorized computer design as well as the production line of the essential components.

Hughes set up a venture with Nippon Electric Corporation which was selected by the Japanese government as its partner. They set up production facilities with equipment from the States and training for the production people, all of whom were Japanese.

Hughes would make a fast buck, General Greed would get his job, and Japan entered the Age of Computers, driving a Rolls Royce. The Japanese Minister of Industry arranged a cooperative sharing of technology to the Big Five electronics firms equally.

What wasn't understood was the Japanese way of doing business was not like ours. The Japanese Trade ministry called in all of the other major electronics companies who bid in secret meetings as to who would get all the subcontracts. Their culture allows them to do just that—ours does not.

The agreement was that all would share equally in the technology and all would share profits no matter who was appointed to be the winning bidder.

The joint venture was a sham as well because in Japan a foreign company cannot own more than 49 percent of a business or corporation. They cannot own land and they can't even have their own management. The real Board of Directors was as usual Japanese only.

The former American soldier wrote, "my role was interesting as I was the only member on the American military team who spoke the language and knew about computers. For me it was an extra duty. I would go to the meetings between the Japanese and American sides and because of my low rank, had little or no role.

Being able to speak Japanese and read a newspaper was so unusual for a foreigner that my Japanese counterparts began bringing me with them as an oddity, to those second and third gatherings. Their corporate executives often took me to gatherings reserved for discussion on policy, like pre-bidding, discussion of purpose, etc.

It confused them but they were always open as if I wasn't there or was part of their team. There was only once that someone questioned speaking frankly when I was present.

I discovered on my own how cooperation between the Japanese government and industry worked. Naturally I sent in reports which were ignored. What bothered me most were the discussions in which the Japanese at all levels thought we were crazy. They correctly assumed we were stupid and only interested in short profits.

"We Japanese would never be so foolish", they would say. "You've given us everything for free" was a typical statement. It was followed with the remark "We Japanese have smart heads and would never be so foolish".

I thought we were crazy as well. I sat in both formal and informal meetings where the future use of the technology was discussed. I would send in reports on what was said and how the Zaisbatsu still cooperated. The reports were filed in the rotary file or I was told I didn't know what I was talking about. In fact someone tried to get me transfered and I was told to cool it.

To give you an idea of how foolishly we operated, I once attended a meeting in which there was a long table in which a dozen high ranking Japanese sat on one side and the Americans on the other.

The top American didn't show up but sent an assistant, a Colonel from the MAAG. There was an interpreter requested for the American side which was provided from a Japanese government agency. The interpreter for the Japanese was a Major who was my counterpart. I was told to sit behind those at the table because our side assumed only a Japanese could deal with our interests.

Every Japanese representative spoke English well but used an interpreter. Not one American negotiator spoke Japanese. This is basically the way it always worked.

Everyone on the Japanese side had spent weeks preparing and had in depth knowledge. Our side came in with no preparation and our leader hadn't even read a brief.

The Japanese began the discussion in Japanese and their interpreter translated into English. Our leader made a series of statements and jokes which were not translated at all by the interpreter. Instead he ignored the Americans statement altogether and as usual laced his statements with personal flaws of the Americans present. Our leader and team would assume they were laughing at the jokes.

The Japanese thought we were fools and we were. The FSX fighter will be a replay of this transfer of technology. The major difference is the Japanese are much better prepared to take it all from us now than in 1964.

A side line to this were the actions of the Mr. Well Known Pol-Ambassador, who together with the Hughes Company used political plays in Washington in order to get approval for the projects. Most interesting is that several months after the project began operation, the Ambassador made a documentary movie on Japan. It was excellent and very flattering to Japan.

What bothered me is the Ambassador's reference to the Japanese successes in all areas to include forecasting the capturing of the computer electronics industry. He probably is the key player in the arranging for the transfer of technology. At that time however he was my hero.

The American's letter made me angry and also scared. How, I asked myself, could Americans then be so greedy and give away our future? Remember, this story is 27 years old. We know now what happens to American jobs after we transfer the technology. We now know that our industrial base has been seriously eroded, first in one industry and then another.

The results were bragged about by Mr. Ishihara, one of the authors of "The Japan That Can Say No." In a second book Mr. Ishihara stated that 92 of the 93 computer chips in our military hardware in the Persian Gulf came from Japan. Ishihara claims that Japan made the Patriot missile work.

We should stop and consider Mr. Ishihara's words, the GI's letter and the statements from the OTA report.

Americans have been led down the road to a fools paradise listening to

Government policymakers and greedy businessmen tell us only the bottom line counts.

The future of the country as a democracy matters. We stand as a land of opportunity for our citizens and immigrants who are attracted to our shores. Americans refer to our country as "Uncle Sam" but given the present trend of policies we can call ourselves "Uncle Patsy." It is time for all Americans to sharpen up and demand responsible leadership and new policies from their officials.

□ 1550

INJUSTICE IN GRENADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 60 minutes.

Mr. DYMALLY. Mr. Speaker, I bring to the Members of the House an issue of some controversy and great injustice.

I think of the 17 persons who were tried and convicted of the murder of Prime Minister Maurice Bishop of Grenada, West Indies.

A trial court sentenced 14 of the defendants to death, and 3 were sentenced to long prison terms. An appeal court of necessity was subsequently convened, in the absence of a constitutional court, to review the sentence.

Last week, the appeals court affirmed the sentence in an oral decision. Counsel for the defendants were not given a copy of the written order.

Today, I want to read into the RECORD some pertinent material regarding the injustice in this case.

First, I want to bring to your attention an editorial from the respectable Boston Sunday Globe, dated July 28, 1991.

□ 1600

[From the Boston Sunday Globe, July 28, 1991]

ABETTING A PERVERSION OF JUSTICE

The news item from the Caribbean evoked the most gratuitous military venture of the Reagan years. A temporary Court of Appeal on the island of Grenada upheld convictions of 17 persons tried for the murder of the island's revolutionary leader, Maurice Bishop, and others. The bare facts told nothing about a travesty of justice, nor about US responsibility for a judicial proceeding that would never be tolerated by Americans for Americans.

The 14 defendants who were sentenced to death and the three sentenced to long prison terms were denied the basic rights of due process and fair proceedings.

They were not represented by defense counsel. They were not apprised of most of the evidence against them, and they were not able to cross-examine witnesses and present their own evidence. Neither they nor their representatives took part in selecting the jurors. The jurors were selected from a panel chosen by a member of the prosecution team. Before the trial, members of that jury panel had reviled the defendants in the courtroom shouting "Murderers!" and "Criminals!"

The appeals process was equally unfair. Three lawyers were appointed as appellate judges specifically for this case by the same authorities who had prosecuted the original trial.

Because the Grenadian constitution replaced by Bishop's revolution permitted an ultimate appeal to the Queen's Privy Council (the British Commonwealth's equivalent of the Supreme Court), the authorities delayed their return to the old constitution. And when they did renew the prerevolutionary constitution, they stipulated that it could not apply to the defendants and their right of appeal to the Privy Council.

This perversion of justice was financed by the US government, prepared by psychological-warfare operations of the US Army, and pursued under Washington's political guidance. At a moment when communist regimes are finally being replaced by the rule of law, America ought not to be promoting kangaroo courts on Grenada.

Mr. Speaker, last year, to be exact August 3, 1990, 19 Members joined me in sending the following letter to His Excellency Nicholas Brathwaite, Prime Minister of Grenada. It was in the case of *Andy Mitchell, et al.*, v. *The Queen Criminal Appeals*, Nos. 4–20 of 1986. The letter read:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 1990.

Re *Andy Mitchell, et al.*, v. *The Queen Criminal Appeals*, Nos. 4–20 of 1986.

His Excellency NICHOLAS BRATHWAITE,
Prime Minister, Botanical Gardens, St. George's, Grenada, West Indies.

DEAR MR. PRIME MINISTER: We write to you regarding the above cited criminal proceedings in Grenada against soldiers and officials of the former Revolutionary Government. We believe we share with you a deep interest in ensuring that justice prevails in these capital cases which are currently pending before your country's Court of Appeals.

Without judging the ultimate merits of the many issues present in these proceedings, we believe that, individually and collectively, serious questions of fundamental fairness have been raised. In capital cases such as these, due process and fair proceedings are particularly crucial elements. Reports that they have been largely absent in these cases cause us great concern.

It is imperative that any final order issued by the Court of Appeals be free of the cloud of suspicion necessarily arising from serious deficiencies in judicial proceedings. Thus, we strongly urge that execution of that order be stayed until such time as independent judicial review on the merits has been made. This can be done when your country rejoins the Organization of Eastern Caribbean States and review by the Privy Council is restored.

Such review would ensure not only that the ultimate goal of achieving justice is obtained, but that the reputation of your country for fully respecting the human rights of its citizens is preserved in the international community.

We appreciate your taking our deep concerns into consideration on this most serious matter.

Sincerely,

Mervyn M. Dymally, Don Edwards, George W. Crockett, Jr., Ronald V. Dellums, Craig Washington, Julian C. Dixon, Charles A. Hayes, Louis Stokes, Kweisi Mfume, Floyd H. Flake, James A. Traficant, Jr., John Lewis, Peter H. Kostmayer, Donald M. Payne, Major R. Owens, Robert W. Kastenmeier, William Clay, Brian Donnelly, Gus Savage, Charles B. Rangel.

I also sent a cover letter to the Honorable James A. Baker III, Secretary of State, Department of State. The letter reads:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 1990.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: Enclosed is a copy of the letter several members and I have sent to Prime Minister Brathwaite in Grenada which I believe is self-explanatory.

We urge you to take action at the highest possible diplomatic levels to ensure that the concerns we have expressed with respect to these cases are conveyed to the Prime Minister on behalf of the United States of America.

Thank you for your consideration in this matter.

Sincerely,

MERVYN M. DYMALLY,
Member of Congress.

Today, Mr. Speaker, the following letter was sent to His Excellence Sir Paul Scoon, the Govenor General, St. Georges, Grenada, West Indies, to the Honoroable Nicholas Brathwaite, Prime Minister, Botanical Gardens, St. Georges, Grenada, West Indies, and the Honorable Joan Purcell, Chair, the Committee on the Prerogative of Mercy, St. Georges, Grenada, West Indies, Re *Andy Mitchell, et al*, v. *The Queen Criminal Appeals*, Nos. 4–20 of 1986.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 1991.

His Excellency Sir PAUL SCOON,
The Governor General,
St. Georges, Grenada, West Indies.

The Honroable JOAN PURCELL,
Chair, The Committee on the Prerogative of Mercy,
St. Georges, Grenada, West Indies.

The Honorable NICHOLAS BRATHWAITE,
Prime Minister, Botanical Gardens,
St. Georges, Grenada, West Indies.

Re *Andy Mitchell, et al*, v. *The Queen Criminal Appeals*, Nos. 4–20 of 1986.

DEAR GOVERNOR GENERAL SCOON, PRIME MINISTER BRATHWAITE, MINISTER PURCELL: we write to you regarding the above cited criminal proceedings in Grenada against soldiers and officials of the former Revolutionary Government.

While we have not yet seen copies of the opinion of the Court of Appeal which has recently affirmed the sentences of all defendants, we are very concerned about the proceedings as a whole and the sentences particularly.

Without substituting our judgment for the Courts on the ultimate merits of the many issues present in these proceedings, we believe that, individually and collectively, serious questions of fundamental fairness have been raised. In capital cases such as these, due process and fair proceedings are particularly crucial elements. Reports that they have been largely absent in these cases cause us great concern.

It is imperative that any final order issued by the Court of Appeals be free of the cloud of suspicion necessarily arising from serious deficiencies in judicial proceedings. Thus, we strongly urge that execution of that order be stayed until such time as independent judicial review on the merits has been made. This can be done when your country rejoins the Organization of Eastern Caribbean States and review by the Privy Council is restored. To deny this one major case the right to such review is an extreme violation of the principle of equal protection of the law which is the foundation of our civil rights and is universally respected.

Such review would ensure not only that the ultimate goal of achieving justice is obtained, but that the reputation of your country for fully respecting the human rights of its citizens is preserved in the international community.

We point out that Grenada is a signatory to the American Convention on Human Rights. We applaud Grenada for this. That Convention in Article 4, Section 4 provides:

"In no case shall capital punishment be inflicted for political offenses or related common crimes."

It is uncontestable, therefore, that the death penalty cannot be imposed in this case which fits the classic definition of political offenses. We urge you to make early declaration that the sentences of death cannot be carried out.

We appreciate your taking our deep concerns into consideration on this most serious matter.

Sincerely,

MERVYN M. DYMALLY,
Member, Committee on Foreign Affairs.
DONALD M. PAYNE,
Member, Committee on Foreign Affairs.

P.S.—Other signatures to follow.

Mr. Speaker, on July 12, 1991, the Honorable Ramsey Clark, former U.S. Attorney General of the United States, issued a statement which I want to bring to the attention of the Members, and I quote:

STATEMENT BY FORMER U.S. ATTORNEY GENERAL RAMSEY CLARK ON THE DECISION OF THE TEMPORARY GRENADA COURT OF APPEAL AFFIRMING DEATH SENTENCES FOR 14 FORMER HIGH OFFICIALS OF GRENADA AND LENGTHY PRISON SENTENCES FOR THREE OTHERS, JULY 1, 1991[1]

At noon, July 12, 1991 in St. Georges, Grenada, the temporary Court of Appeal selected to review the convictions of seventeen Grenadians alleged to have acted in "common design" to murder Prime Minister Maurice Bishop and others on October 19, 1983 completed announcement of its decision affirming all convictions and the 14 death sentences and 3 lengthy prison sentences which were imposed in December, 1986.

The three judges reading from notes and typed portions of their decision over a period of 3½ days delivered their opinion more than 9 months after the end of arguments by counsel in the absence of most counsel for the appellants. This followed a decision they approved to cut off funds for appellate counsel all of whom live in Jamaica or Guyana and providing them six days notice of the announcement date. The decision was not available in writing.

The decision was wholly political in context and tone. It included no consideration of facts and law that made the entire proceeding illegal, false in its finding of fact and a corruption of justice. Among the many fatal errors in the proceedings and this decision are:

The entire proceedings were before judges chosen specifically to hear this case by the same authorities who prosecuted the case though the courts (and) were declared unconstitutional on May 10, 1985 by the prior judges of the Court of Appeal.

The investigation was conducted by the United States and the prosecution judges and court expenses were paid for by the United States following its illegal invasion of Grenada, seizure of the island and detention of the individuals now sentenced to death, or decades of imprisonment.

The entire trial in which all defendants faced death penalties was conducted in the absence of any legal counsel for defendants and the convicted defendants were removed from the courtroom which was within the prison compound during the presentation of all evidence against them.

The jury array was chosen by a member of the prosecution team appointed registrar the day before the array was summoned following the illegal removal of the duly appointed registrar.

The jury was chosen from persons known to be hostile to defendants in the absence of defendants and any counsel or other representative and after the array of 140 had threatened defendants shouting "murderers," "criminals" and other hateful words.

The Judicial provisions of the Constitution of Grenada were suspended throughout the 7 years and 8 months of these proceedings on a claim of necessity only to be reinstated by a bill which was passed by the Parliament of Grenada on July 5, 1991 which further provided in Section 7(4) that no appeal can be made from "anything or matter arising" from the decision made today.

Despite total control of the evidence following the U.S. invasion, the lengthy detention of thousands of potential witnesses, the seizure of all documents and physical evidence and the isolated confinement and torture of the defendants, the prosecution presented no credible evidence of a conspiracy, or "common design" to murder Maurice Bishop or anyone else.

The defendants, unrepresented, isolated from all assistance, regularly beaten and threatened, confined alone in windowless rooms on bread and water for weeks at a time, deprived of access to the media throughout their 7 years and 8 months of confinement to date and having been removed from the courtroom during testimony, were unable to cross examine any witness, were never read or otherwise apprised of most of the evidence against them and because they were unaware of its content were unable to present witnesses or testify in their own behalf to respond to evidence presented by the Crown. Cross examination and presentation of evidence by the defense was made impossible.

No argument, or other address was made to the jury by or on behalf of the defendants following an emotional four week summation by the prosecution largely unsupported by the record and a highly biased and unsupported charge by the trial judge. Not one word was uttered in their behalf in the presence of overwhelming prejudice.

The trial court totally failed to make any effort to protect rights of defendants or to appoint counsel to protect their rights. Instead, he repeatedly instructed the jury, contrary to law and the facts, to prejudice defendants. He failed to require presentation of evidence known to him which was exculpatory, or contradicted the Crown's key witness Cletus St. Paul.

The trial court knowingly permitted perjured testimony and concealed inconsistent prior statements by Cletus St. Paul. He failed to instruct the jury that, if believed, the testimony of St. Paul, which was unreliable, was insufficient to establish the guilt of any defendant. He kept from the jury evidence of deep prejudice by St. Paul arising from his having spread false rumors against defendants before the death of Maurice Bishop. He required each juror to sign each verdict in violation of law.

The three judges today affirming the convictions knew of the facts stated above and many other errors and prejudicial matters in the record. Its opinion, repeatedly quoting from Shakespeare's *Julius Caesar*, bears less relationship to historical events and the court record it purports to describe than Shakespeare's play did to events in Rome 1600 years before it was written.

The three judges knowing that prior inconsistent statements were made by Cletus St. Paul, that his testimony was false and his description of how he witnessed what he claimed to witness was physically impossible, and if believed failed to provide evidence of guilt of any defendant and that former President Judge J.O.F. Haynes had declared his intention of securing the evidence of prior inconsistent statements by St. Paul, made no reference to perjury, impossibility, or even credibility of Cletus St. Paul on which the convictions for murder of ten defendants who were not near the death site depends.

The three judges gratuitously stated that they would have convicted of murder the one defendant who was acquitted of all charges suggesting the jury did so because of his good behavior during trial, highly improper jury conduct, and the three defendants convicted of manslaughter in the absence of any credible evidence in the record to support such convictions, manifesting their political prejudice and breach of duty.

The decision of the three judges repeatedly misstates facts in the record. For example, they say the record "strikingly" failed to name a single juror who actually sat in trial as having uttered, or even heard, prejudicial remarks from the array, when the record repeatedly shows the Foreman himself was a principal antagonist threatening defendants. The background history recited at length by the Court is pure fiction, outside the record of the trial and contradicted in many key particulars by documents, press reports, professional historians and established and admitted facts. It is simply a rhetorical, political tract.

Every effort will be made to prevent the execution of these sentences. People who care about the truth, justice and human rights must protest to:

The Governor General of Grenada, Sir Paul Scoon, St. Georges, Grenada, West Indies.

His Excellency Nicholas Braithwaite, Prime Minister, Botanical Gardens, St. Georges, Grenada, West Indies.

The Committee on the Prerogative of Mercy, Minister Joan Purcell, Chairman, St. Georges, Grenada, West Indies.

President George Bush, The White House, 1600 Pennsylvania Ave., Washington, D.C., U.S.A.

Hon. Joao Clemete Baenasoares, The Secretary General of the Organization of American States, Room 20, 17th & Constitution Ave., N.W., Washington, D.C. 20006.

[1]Ramsey Clark attended the court sessions on July 9 and 10 at which the decision of the Court of Appeal was in part read.

Mr. Speaker, tomorrow it is my intention to read to the Members the petition to the Inter-American Commission on Human Rights for provisional and permanent relief against death penalties and sentences of imprisonment. Mr. Speaker, I yield back the balance of my time.

□ 1620

THE INJUSTICE IN GRENADA

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, I first would like to thank the gentleman from California [Mr. DYMALLY] for the time and attention that he has given to this most important issue and for the leadership that he has provided to this House in helping to unravel what is going on in Grenada at this time. I am delighted to be here today with the gentleman from California to add my voice to the attention that he is drawing to this issue.

Mr. Speaker, I rise today to speak to what I consider a grave situation of unfairness and injustice that is occurring on the small island of Grenada. Of course Grenada is familiar to our Government and to our citizens. We drew worldwide attention to this tiny island when we invaded it in 1983. Well, Grenada is back in the world news today because a temporary court of appeals has upheld the convictions of 17 persons convicted for allegedly murdering Prime Minister Maurice Bishop and others. Fourteen of the seventeen have been sentenced to the death. These sentences could be carried out in the next few days.

Why am I bringing this matter to the attention of this House? Why am I joining the gentleman from California [Mr. DYMALLY] in rising to speak to this issue today?

Mr. Speaker, I believe there is still time to avert the killing of these men and the one woman who have been convicted and who have not been afforded due process. I believe that we should understand that they have not had an opportunity to defend themselves.

Mr. Speaker, in a report released on July 12 from former U.S. Attorney General Ramsey Clark, who observed the entire trial and appeals process, Ramsey Clark concluded the decisions were wholly political and that there was no consideration of fact or law. In his report Clark charged over 15 major infractions of judicial process. He noted that judges chosen to hear the case were the same authorities who had prosecuted the case. The jury was chosen by an official who a day before had been a member of the prosecution who was chosen from an array of persons known to be hostile to the defendants. Clark also noted the entire trial was conducted in the absence of any legal counsel for the defendants, and they again, as was mentioned by the gentleman from California [Mr. DYMALLY], were removed from the courtroom during the presentation of all evidence against them. There was no legal counsel for the defendants, and they were not allowed to be present during the presentation of the evidence against them.

Mr. Speaker, these prisoners have been in custody of the United States or the Government of Grenada at all times since the United States invasion of Grenada in October 1983. During those years they have been held under conditions that constitute cruel, inhuman, and degrading punishment. They have been beaten and tortured, and they frequently have been held in solitary confinement. They have been fed bread and water for weeks, and they have not been allowed visitors. In one case, one of the prisoners' children were not allowed visas to come to the United States where they have relatives who could help care for them and ensure that they get an education.

Mr. Speaker, I rise today because, despite the fact of the invasion, these proceedings and all that is going on in Grenada defies everything that we stand for in this country, and, while I do not pretend to know all of the details, I rise today because I support the due process. I support the right of the accused to at least be confronted with the accusations against them and their right to counsel.

I believe we cannot stand as a Government that is intimately involved with Grenada, who not only invaded Grenada, but have supported and paid for and been involved in the investigation of these defendants, who have supported and paid for the trials and the court proceedings that have gone on.

Mr. Speaker, we have the opportunity to stop these killings and these deaths. There is no reason why any of these defendants should be put to death without having been given due process.

Yes, there is a Committee on the Prerogatives of Mercy that can be appealed to in Grenada, but, yes, they can be appealed to our own State Department, and, yes, the Members of this body have an opportunity to confront the Prime Minister and others in Grenada and ask them to review what has taken place, ask them to look into the allegations of a lack of due process.

Mr. Speaker, it is time to stop the senseless killings of human beings who may indeed be innocent, and so I rise today to say: Let us stand up for what we have told the world we believe in, fairness and justice. Let us stand up and not allow our resources to be used to put people to death who have not, indeed, been proven guilty of the crimes that they have been charged with.

Mr. Speaker, I am delighted that I am a Member of Congress at this time. I watched as we involved ourselves in Grenada and all that has happened there. I have watched as we have been intimately involved in constituting a temporary government there. While I have been watching all of this, I guess I held out hope that we would see that justice would be carried out, and, despite the fact that the appeals court has ruled that they will uphold the decisions of the lower court, again it is not too late for us to step up at this time and say, "Let us step back from the decisions of the appeals court. Let us appeal to the Committee on the Prerogatives of Mercy, and let us ask that those defendants be given an opportunity to defend themselves."

Mr. Speaker, I think it is a simple request. It is a request that I think would be expected of this great Government.

Mr. Speaker, I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I want to take this opportunity to commend the gentlewoman from California [Ms. WATERS], my friend, for joining me in this crusade for justice in Grenada. She uttered a word that I think had great significance, and that is she had hoped, as I did, that the Court of Appeals and Necessity, of necessity because there never was a court of appeals under the revolutionary government; there was a court of appeals under the original Constitution of Grenada, but they chose not to use the court of appeals because it would have gone to the court of appeals in the West Indies and the previous council in the United Kingdom, but I am most grateful to the gentlewoman from California [Ms. WATERS] for joining in this crusade for justice.

Mr. Speaker, what we are asking the Committee on Mercy here is to temper justice with mercy in this case, and I thank the gentlewoman from Los Angeles for her contribution in this very important matter.

□ 1630

VACATION OF SPECIAL ORDER AND REINSTATEMENT OF TIME FOR SPECIAL ORDER

Mr. LEACH. Mr. Speaker, I ask unanimous consent that my 60-minute special order for today be vacated and that I be allowed to proceed for 5 minutes on special order.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Iowa?

There was no objection.

RACISM AND AMERICAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, as the 1992 election preliminaries commence, two signal speeches—one by a distinguished representative of the other body, Senator BILL BRADLEY, and the other by the Chairman of the U.S. Commission on Civil Rights, Arthur A. Fletcher—are deserving of review.

In a July 10 floor statement Mr. BRADLEY suggested that racial tension is too dangerous to exploit and too important to ignore. In July 22 letters to the President and leaders of the House and Senate, Mr. Fletcher requested that America's political parties take decisive action to prevent the use of campaign tactics that divide the Nation along racial lines.

The leadership of Mr. BRADLEY and Mr. Fletcher is to be commended. They are right in their concerns, right in their perspective, and right in their timing. Now is the time to set the temper and tone as well as the philosophical agenda of the electoral debate, not only for 1992 but for our third century of experimentation with self-governance.

In historical perspective, it might be said that there have been three great debates in the history of the Republic. The first centered on the question of whether a nation-state could be founded on the principles of the rights of man. The second, encompassing the suffragette movement, the Civil War, and the civil disobedience movement of Martin Luther King was all about definitions—whether rights applied to individuals who were neither pale nor male. The third debate, symbolized by the New Deal, the Great Society, as well as the counterweight of the Reagan revolution is about the issue of financial empowerment, economic opportunity as opposed to political rights, the question of whether individual Americans of all backgrounds have a chance to share equitably in the fruits of the American free enterprise system.

It is also about tolerance. Americans can credibly disagree with each other whether an activist, enlarged government advances social justice or denies the same by stultifying incentives and tilting investment priorities. But no civil American can hold anything except that the role of government should be to check prejudice and bind the wounds of social discord.

If one believes—as I do—that the framework within which political issues are dealt is generally as important as prescriptions for government action, it is incumbent on people in public life to appeal to the highest, not the lowest, instincts of the body politic.

For American reality to match American ideals, public officials have a special responsibility to uplift rather than tear down, to unify rather than divide.

There is no room, explicitly or implicity, for race baiting—by whites a la David Duke and the Willie Horton imagery against blacks or vice versa a la Louis Farakhan.

Individuals should be judged by their spirit, not their appearance; by their values and work ethic, not their social status.

What America needs is a new political ethic as well as new rules to govern campaigns.

With respect to establishing a new ethic, individuals in public life have a responsibility to go out of their way to eschew racism and to advance in foreign as well as domestic policy the Jeffersonian precept that underlies our democracy: that all men are created equal, that they are endowed by a Creator with universally understood rights. Whether it be apartheid abroad or civil rights at home, we all must come to grips with our philosophical as well as melting pot heritage. In a society which is still of an immigrant nature, where the entering work force will be more than 40 percent nontraditional white within a decade, the American people have no choice but to throw aside the blinders of prejudice and open up opportunities for all through social healing, through universal access to education and quality health care.

On a national basis, candidates should sign a pledge of tolerance and make a compact with the electorate not to divide society on the basis of race, religion, ethnicity, age, or place of national origin.

I stress within this pledge the issue of age as well as the more broadly understood categories of prejudice for two reasons: First, age prejudice is more real than commonly understood; and second, it has been more played upon by politicians than many suspect. It may be true that conservatives have been more prone than liberals to play the "race" card, but liberals, on the other hand, have evidenced a survivalist knack for dividing society along generational lines, employing demagogic scare tactics on the Social Security issue. Restraint from both extremes would make for a healthier dialog and healthier society.

Here, the President's nomination of Clarence Thomas to the Supreme Court is of symbolic significance. Thomas has offended some by stressing individual accountability as well as rights and brought political doubt because of his service under a conservative Republican President. What is most impressive, however, about the debate surrounding the wisdom of the President's choice is that it is remarkably color blind. Many civil rights activists oppose Thomas for his views, though they share a common skin color; many conservatives support Thomas' nomination, though their skin may be of a different hue. In a sense, little could be healthier for the system: A confirmation debate rooted in ideals where all sides respect the social background of the nominee.

In terms of new rules, everybody in this Chamber should understand that poor people more than any other group in our society have a vested interest in campaign reform. In a system where money buys access, the voices of the poor become muffled by the clanging coins of political action committees. The time is nigh for Congress to start caring more for democratic values than political skins.

By contrast to this embarrassment, if not scandal, surrounding the refusal of a disproportionately white Congress to do the right thing on campaign reform, minorities have every right to be proud that a military composed disproportionately of minorities and led by a black professional won a victory in the gulf which could lead to the establishment of a new world order. The greatest equal opportunity employer in the history of the world—the U.S. Armed Forces—showcased to the world what America at its idealistic best can produce.

The victory in the gulf, coupled with the collapse of the Soviet empire in Eastern Europe, makes increasingly clear that America's greatest challenge in the decade ahead will be from within, not without. If we are to win the war on drugs, on crime in the streets; if we are to expand our economy and compete in world commerce; if we are to sing with our hearts and uplift our souls, American society must dare to pull together and win the war on racism. Tolerance must prevail over prejudice.

COMMENTS ON AMERICA 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, the House is about to conclude its business this week before the summer recess, and we have had a number of important items on our agenda. No doubt there will be important items on the agenda in the fall. All of the business of the House is important.

I rise to bring attention to the fact that the business related to education needs more attention. Education is a priority that has been determined by the American people in poll after poll after poll. They are concerned about education. They are concerned about Federal aid to education, and it is an ongoing concern.

We have a situation now where the President has launched an initiative which is to be applauded, and that initiative is going forward. My concern is that there is too little discussion of the President's initiative on education in

general, and that there is a lopsided debate about to take place.

The lopsided debate occurs because the only comprehensive education plan on the drawing board, the only one presented to the American people, is the President's plan, which they have labeled America 2000, an education strategy outlined in the pages of this red book. And there are thousands and thousands of copies of this red book that have been reproduced and are circulating all over America. And they are shaping the debate about education with this red book called America 2000.

My regret is that there is no similar comprehensive strategy for education being proposed by the Democratic Party. It is only the administration, the Republican Party, putting forth a strategy for the reform of education in America.

We have piecemeal approaches here. We have bills that have been introduced by various persons related to education, but nothing as comprehensive as this, which offers vehicles for achieving educational change as well proposing substantive changes.

America 2000 is to be applauded because the President has at least put together a comprehensive package. Unfortunately, promoting the package as if it were a Madison Avenue product. For that reason it is going to get attention. There will be attention paid to America 2000.

My comments at the time of the issuance of America 2000 are still relevant. At that time I had said the following:

President Bush's America 2000 education proposal falls short of projecting the kind of overwhelming effort needed for the transformation of American education. Nevertheless, this is a set for initiatives which contains significant new idea nuggets and the proposal's more comprehensive approach represents a bold step in the right direction.

Unfortunately, blind insistence on 200 million dollars' worth of Choice, the program called Choice, is the kind of aggressive partisan politics which could discredit and smother this initiative of the President and his administration. Choice is still more a partisan political slogan than it is a tested and validated strategy for school system governments and administrations.

□ 1640

The fact that this proposal, this education strategy of the President, makes Choice a centerpiece, is unfortunate. Making Choice less partisan and more scientifically buttressed is a first step that a new Education Secretary who has pledged to keep this program on a nonpartisan or bipartisan plane should undertake.

It is hoped that the President's new plan will close out the long era of ideologically petty, piecemeal, incremental, Mickey Mouse strategies for educational improvement. Just as military campaigns require that numerous actions must take place simultaneously, the revamping of education in America will need no less.

Unfortunately, this proposal does not acknowledge several successful precedents for providing Federal leadership to establish and to maintain and refine a nationwide supportive resource for an effort like education, for a function like education.

What America needs is a Federal support system for education which is as broad based and grass roots as the Department of Agriculture's programs, a system which is as scholarly, professional, and modernized as the National Institutes of Health, and a system which is as thorough and appropriately funded as the research and development programs of the Department of Defense.

The tragedy is that we have, for a long time, known what works in the efforts to build Federal support systems for worthwhile national public objectives and activities. For several Neanderthal and ignoble reasons, Washington has refused to apply what works in order to move forward the agenda for educational improvement.

Without legislative proposals to back up the present brief outline of America 2000, it is difficult to comment extensively. Perhaps the greatest step in the right direction in this America 2000 proposal is the promise to establish 535-plus new American schools, one for each congressional district and U.S. Senator, bringing reforms and renovative programs down to a workable level in units of equal size.

Coupled with the America 2000 communities crusade, this is a concept pregnant with productive possibilities for the future. Beyond the mere 1 experimental school, each grouping of approximately 580,000 people which would be in each new congressional district, deserves an entity which provides greater assistance for educational improvement.

We will propose an entity at the level of the congressional district later in my discussion.

The New American Schools Development Corporation proposal, which is part of America 2000, resembles the institute model of the National Institutes of Health.

The unique element here is the attainment of private sector funding to jump start this New American Schools Development Corporation, which as of this date has already been launched.

Three to seven R&D teams operating out of the Development Corporation will lay the foundation for spinoffs of additional Institutes-type organizations. Right now the Nation desperately needs an institute for the education of average students. It needs an institute for the utilization of technology and instruction. It needs an institute to maximize the role of nonclassroom institutions, such as libraries, museums, planetariums, zoos, et cetera.

In this America 2000 proposal, the bringing of America online is another activity recommended for study, and that is certainly an idea whose time has come.

For several years now, librarians have been proposing a national electronic information highway, to provide all educational institutions with ready access to the best of information, the best of research, instructional materials, and educational expertise. We applaud this recognition of the fact if we are to fight and win the war for improved education, more attention must be paid to libraries and information systems, which are as vital to education as ammunition dumps and warehouses of spare parts for weapons are to traditional warfare.

Although America 2000 can be applauded for helping to professionalize the debate on education reform, any sophomore can see that this America 2000 plan reflects a kind of caveman stubbornness which refuses to acknowledge some of the obvious basic problems.

For one, the majority of the school districts in America right now need financial aid, which could best be provided through education, revenue sharing, or some other kind of funding based on a dedicated tax.

Grass root teachers and educators out there are going to find it hard to respond to proposed improvement in strategies, while their operating budgets for day-to-day activities are being cut. Perhaps this is a task which Mr. Bush and Mr. Alexander, the new Education Secretary, have left for themselves.

Perhaps we need to go further and declare education a national security function. If national education were declared a national security function, it could be placed in the same group of budget items that the Department of Defense occupies. Those three divisions for budgetary items, defense, nondefense, and international relations, we could have education moved over to Defense as a national security function, and all of the savings realized for defense should immediately be applied to education.

This is not the kind of proposal you will find in America 2000, but it is the kind of proposal which needs to be added to the debate.

Access to higher education has also been ignored in the America 2000 plan. School improvements will require more and better teachers, but the pool of teachers is shrinking. A greater number and variety of students in college will mean there are more candidates for the teaching profession, especially more who are capable and willing to work in the inner city areas, which are experiencing the greatest education crisis.

Secretary Alexander could greatly enhance his cause by revamping the ad-

ministration's current positions on aid to college students where they are proposing too little aid for too few students. Despite its addiction to choice and its sins of omission which I have outlined here, America 2000, as I said before, has raised the debate and the process of striving for educational reform to a higher level. All government policy makers must now pledge to promote a nonpartisan education agenda for improvement which will be driven by the best, the brightest, the most scholarly, the most practical, the most experienced, and the most frontline involved among us.

We must all pledge ourselves to follow wherever this broad-based objective process leads us. There is no short cut. To overhaul education in this Nation and to achieve a uniquely American solution, we must mount an overwhelming effort, comparable to fighting and winning a war. This effort must be mounted immediately. We cannot wait until the year 2000.

The greatest flaw in America 2000 as an educational strategy is they propose objectives which will all finally be accomplished in the year 2000. Right now, American schools and school boards, school districts, school systems, are bleeding. They are hemorrhaging from a budget cut process that is encouraged by the recession that is upon us, a recession which, despite the optimistic statements that have been made recently at the local level, grows deeper and deeper every day and takes a harder and harder toll on public services, education among them.

Among the Democrats we have not ignored education completely. We have addressed the issue in various bills that have been offered. There are efforts going forward now to reauthorize the Higher Assistance Act, which are very important.

Unless we deal with our higher education system, our college students, our potential teachers of tomorrow, we will not be able to make meaningful changes in the elementary and secondary and preschool education system.

That is important. America 2000 ignores that. But it is very important.

We have also had other proposals offered, one by Senator KENNEDY and Congressman BILL GRAY, which calls for an Urban Schools of America Act of 1991.

The Urban Schools of America Act is in many ways far more relevant than most of America 2000 with respect to addressing the emergency problems of right now and today. Our urban schools are the ones who are in greater trouble than any others.

All of the schools of America need improvement. All should strive to meet world class standards. Some of our best schools in suburban areas, in affluent areas, some of those best schools can be greatly improved. When they are compared, the students are compared, to students in other industrialized nations, they do fall short. Science and math, geography, tests of students in 16 industrialized nations have shown us that when you take the very best of science and math students that we have, and pit them against the best in Korea and Japan, in Hong Kong, and a few other nations, they are considered industrialized nations, our students score near the bottom.

□ 1650

So our very best students need to be improved. Our very best schools need to be improved.

But the problem in our urban schools, in our inner cities is one of near collapse. The systems are collapsing, the buildings are dilapidated, the recent cutbacks have increased the number of students in each classroom so that the gains of past years when we greatly reduced the number of students per teacher have been lost. Afterschool programs which supplemented the educational program of the schools each day and provided a place for children who had no parents at home, whose parents were working, have been closed. There are a litany of disasters that have befallen the New York City school system, which I could recite here, but they are very much like those of a number of school systems across the country, not only in urban areas, but also to a lesser degree in suburban and rural areas.

The Urban Schools of America Act will act immediately to provide funds. They will not wait for another 10 years until the year 2000 to bring some Federal aid to our schools in urban centers.

One major provision of the Urban Schools Act offered by Senator KENNEDY and Congressman GRAY is a repair program to aid urgent urban school facilities. According to a report by the Council of Great City Schools, a third of America's inner-city schools are now over 50 years old and have a cumulative backlog of repairs estimated at $5 billion. They proposed to immediately provide some assistance to deal with this very concrete problem. Children cannot learn if the facilities that they are housed in do not encourage learning.

Another item contained in the USA Act authorizes formula grants for hard-pressed city school systems, at least one in every State to fund local programs that help to meet our national education goals and form partnership with business and community groups. They call in the same act for Federal research on urban education and provide city schools with resources to strengthen their own research capabilities. It authorizes review of Federal regulations whose simplification might enhance student's learning.

The most important item here is, unlike the America 2000 comprehensive strategy, a proposal for immediate action to deal with emergency and urgent needs of schools that are on the verge of collapsing. That is an absent from America 2000.

Our majority leader, Congressman GEPHARDT has also offered a bill called the Rewards for Results Act of 1991. It is very concrete. It talks about rewarding not only individuals, individual students, but also rewarding school systems and States for their compliance with certain activities which would promote education. It takes two of the goals that are listed in America 2000, the goal which says that every student should start school ready to learn, and the goal which calls for America to be No. 1 in math and science by the year 2000, and it offers concrete incentives for States which promote those goals.

It is a good bill. Again, it is a one-shot approach, just as the USA Act is a one-shot approach. But it is on target in terms of addressing immediate and concrete needs.

In order to shape the debate about education, which is as important as any issue we will face in this Congress in this session or in the next one, we need to have not just one-shot approaches, however on target they may be. We need an alternative to America 2000. We need a comprehensive approach. We need to take the time as a party, the Democrats need to take the time and whatever resources are necessary to shape an alternative plan which talks about education in America from a point of view which addresses these urgent and immediate problems which talks about channeling Federal resources into aid to education, which talks about coming to the aid of our inner-city school systems that are collapsing, which addresses the fact that nothing can be accomplished without additional resources.

I have introduced legislation which is related to research and development in education because of the fact that I am chairman of the Subcommittee on Select Education which is responsible for the reauthorization of the Office of Educational Research and Improvement. I have confined my legislation this year to matters related to research. Again, it addresses immediate problems.

One item is the National Institute for the Education of At-Risk Students Act, which was introduced on May 23. It calls for the increased creation of an institute for the educationally at-risk students, and it addresses the problem of at-risk students, not only in the immediate inner-city poverty areas, but also rural poverty areas as well as the special problems faced by bilingual students. It is based upon findings which show that State and local governments are not able to, or they refuse to, deal with the problem sufficiently.

State and local governments have not only failed to halt the decline of inner-city schools, their financial support has been less than that provided for other school districts. According to the Committee on Education and Labor report entitled "Short-Changing Children: The Impact of Fiscal Inequity on the Education of Students at Risk," which was released last year, spending disparities have worsened for many educationally at-risk groups. At the elementary level, the 10 highest spending local education agencies spent over 3 times as much as the 10 lowest spending ones, and from State to State this disparity plays itself out dramatically with many court cases now having been brought within States to try to get equity in the financing of school systems.

For rural children in 1986, the poverty rate in rural areas was 50 percent higher than the urban rate. The growing effects of sustained poverty in rural areas may further endanger the school improvement efforts in these areas. Research on the impact of rural poverty on school outcomes is still in its infancy, and there is a great need for demonstration projects to overcome poverty and problems caused by escalating loss of populations, the populations rudimentary are scarce, and for bilingual students. By the year 2000 it is estimated that 3.4 million limited-English-proficient school-age children will be entering the school system. In 1988 there were over 140,000 documented immigrants age 5 to 19, and according to a number of other sources, there is at least an equal number of undocumented immigrants. The lack of proficiency in the English language in school places these children at risk for school failure.

These three categories, rural and inner city, the rural poor and the bilingual children are dealt with in the National Institute of Educationally-At-Risk Students, which is much needed and a separate piece of legislation, which has also been introduced related to education. Again, the need for the comprehensive program which puts all of this together, which packages it in a way which allows us to go out and start a more meaningful dialog with the American people, that need is still great.

A document called Voices from the Field, which was produced with the support of the William T. Grant Foundation, the Commission on Work, Family and Citizenship, and the Institute for Educational Leadership, this document points out exactly what is happening to the debate on education. There are the opinions of 30 experts offered here on America 2000, 30 expert opinions on the Bush administration's strategy to reinvent America's schools. These are the top experts, some of the top experts in the educational field, and they have all addressed themselves to responding to America 2000.

It is great to have such a debate. It is great that their ideas are compiled here and that there will be more discussions like this one. However, the fact that they are all focused on America 2000 and reacting to America 2000, responding to America 2000 means that there is no discussion of the very vital issue of more financial assistance to schools right away. In 1992 and 1993 and immediately, the budget cuts that are being promulgated across America at the State and local level, with more than two-thirds of our States in serious financial trouble, and at least the same number of our cities in serious financial trouble, there is a need for a discussion of immediate Federal aid to education.

□ 1700

There is a need for discussion of education revenue-sharing where the Federal Government can turn back money, money that is raised either via a dedicated tax like the gasoline tax or money that is raised as a result of savings in defense, because education is declared a national-security issue and moved from the present set of domestic areas functions and over to the defense function. There are a number of debates of this kind which will not take place if we focus on America 2000.

America 2000, as I said before, has some good ideas. One such idea is a proposal that America 2000 communities be established all across America. An America 2000 community is a community at a level of a congressional district which has decided that they will adopt the six national education goals.

After adopting those goals, they are going to set up some kind of system for accountability and have a report card on how they are working to achieve those goals. An America 2000 community is a community which brings together all sectors, the business sector, the parents, the students, community-based organizations. They will all come together to attempt to improve the schools.

I applaud this approach. I think it is one of the features of America 2000 which should be applauded and followed. The problem is that at the level of the congressional district where these discussions take place, where we mobilize all sectors of the community, there should be more than just a discussion of the tenets that are proposed in America 2000.

When all of the various players are brought together at the level of a congressional district, there should be more than a discussion of choice as one of the alternative strategies for education. There should be a discussion of how more funding can be brought into the school systems. There should be a discussion of what is needed to improve our school systems by having a transfer of technologies, some of the kinds of things that industry has already done in education, some of the kinds of things that the Army, and Navy, and Air Force have already done in education which can be transferred into our school systems for the improvement of our schools.

In a few weeks we will release a report from my committee called Education 2015 which will talk about a 15-year plan in three stages which will seek to make step-by-step improvements in our educational system. That should be a part of the discussion that goes forward when these groups come together in America 2000 communities.

There is a need for America 2000, a red book, to be met with a blue book or some other color book from the Democratic Party, from all of the education, the people who are concerned about education in the country, who have a different approach, by people who may agree with some parts of America 2000 but others find other parts objectionable, by people who most of all see that America 2000 as far as it goes falls far short of offering the kind of a comprehensive program that brings into play the kind of overwhelming effort needed to revamp the education system in America to improve education in America. We either approach it the way Operation Desert Storm was approached, an overwhelming strategy, a strategy of overwhelming resources, of using all that we have available, of using the very American approaches that are unique, maximizing our advances in technology, not hesitating to test all kinds of theories, taking the period of the next 5 years to put on the drawing board all kinds of demonstration projects that have promise, and in the next 5 years evaluating to find out what works and, after that, implementing a strategy based on what is found to be workable and suitable for our various 110,000 schools across America and our 15,000 school districts. All of this is possible. It will not happen if the only item on the drawing board is America 2000. It will not happen if the debate is not broadened, if the debate is not a full debate, if the debate does not go beyond the present Balkanization of ideas which is taking place within the Democratic Party, and where piecemeal solutions are being offered from separate sources. And there is no comprehensive program.

We need a comprehensive plan. We need an alternative to America 2000. The debate should go forward. It is as important right now in this year as any debate, any issue.

I look forward to the consideration of many important issues such as the savings and loans, the return of the savings-and-loan issue to the House, and I hope that there will be a full discussion similar to the discussion that we had on Desert Storm where every Member

will be allowed to debate the issues related to the savings and loan bailout. I look forward to the proposals to bail out the banking industry. I look forward to the proposal to bail out the insurance industry. I hope there will be full discussion on all of these industries which are drawing off the resources of America. They are very important.

I look forward to the debate on the provision of unemployment insurance to more persons that I hope will take place this week. I look forward to the debate and the proposals that are going to be submitted on a national health care plan which is long overdue.

But nothing is more important than the debate, a full debate, and some resolutions on education. We must go forward, and we must not wait until the last minute. That debate should be joined now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT) from July 25 through August 2, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INHOFE) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. LEACH, for 60 minutes, today.

Mr. SCHULZE, for 60 minutes, on August 1.

Mr. INHOFE, for 60 minutes, on July 31.

(The following Members (at the request of Mr. DYMALLY) to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DYMALLY, for 60 minutes, today.

Mr. ANDREWS of New Jersey, for 5 minutes, on July 31.

Mr. TAUZIN, for 60 minutes, on August 1.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WATERS, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

(The following Member (at the request of Mr. OWENS of New York) to revise and extend his remarks and include extraneous material:)

Mr. ABERCROMBIE, for 60 minutes, on July 30.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OWENS of New York, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. INHOFE) and to include extraneous matter:)

Mr. GEKAS.

Mr. MCEWEN.

Mr. MORRISON.

Ms. SNOWE.

(The following Members (at the request of Mr. DYMALLY) and to include extraneous matter:)

Mr. PANETTA.

Mr. PEASE.

Mr. MAZZOLI.

Mr. LANTOS.

Mr. YATRON.

Mr. SWETT.

Mr. CLEMENT.

Mr. KANJORSKI.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 113. An act to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle; to the Committee on the Judiciary.

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film; to the Committee on Education and Labor.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill and joint resolution of the House of the following titles:

On July 26, 1991:

H.R. 2525. An act to amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

H.J. Res. 181. Resolution designating the third Sunday of August of 1991 as "National Senior Citizens Day."

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 30, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1860. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to modify and extend the authority of the Secretary of Defense to waive reimbursement for certain costs incurred in the NATO Airborne Warning and Control System [AWACS] Program; to the Committee on Armed Services.

1861. A letter from the Secretary of Energy, transmitting the quarterly report on the Strategic Petroleum Reserve during the period January 1, 1991, through March 31, 1991, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

1862. A letter from the Secretary, Interstate Commerce Commission, transmitting notification that the Commission has extended the time period for issuing a final decision in docket No. 40365, "National Starch and Chemical Corporation versus the Atchison, Topeka and Santa Fe Railway Company, et al.," by 60 days to October 7, 1991, pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

1863. A letter from the Archivist of the United States, transmitting a report concerning the administration of functions of the Archivist, the administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund; a report concerning records management activities for the fiscal year ending September 30, 1990, pursuant to 44 U.S.C. 2904(c)(8); to the Committee on Government Operations.

1864. A letter from the Farm Credit Bank of Wichita, transmitting the annual report for the Farm Credit Consolidated Pension Plan for the Associations and Banks in the Ninth Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1865. A letter from the Chairman, Federal Election Commission, transmitting copies of proposed regulations governing the public financing of Presidential primary and general election candidates, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

1866. A letter from the Chairman, Federal Election Commission, transmitting copies of proposed regulations governing disposition of excess campaign or donated funds by Members of Congress, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

1867. A letter from the Chairman, Federal Election Commission, transmitting copies of proposed regulations governing matching fund submission and certification procedures for Presidential primary candidates, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

1868. A letter from the Chairman, Martin Luther King, Jr., Federal Holiday Commission, transmitting the annual report for 1991, pursuant to Public Law 98-399, section 8 (98 Stat. 1475; 100 Stat. 406; 103 Stat. 61); to the Committee on Post Office and Civil Service.

1869. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 806 of the Military Family Act of 1985 relating to employment opportunities for spouses of Department of Defense employees who are dislocated as a condition of employment to include spouses of certain civilian employees of the Department of Defense; jointly, to the Committees on Armed Services and Post Office and Civil Service.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 206. Resolution providing for the consideration of House Joint Resolution 313, a joint resolution, to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States (Rept. 102–172). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of California:

H.R. 3064. A bill to amend title 31, United States Code, to authorize executive and legislative agencies to sell debts owed to the United States, and for other purposes; to the Committee on Government Operations.

By Mr. BOUCHER (for himself, Mr. PACKARD, Mr. BROWN, Mr. WALKER, Mr. BRUCE, Mr. BOEHLERT, Mr. KOPETSKI, Mr. VALENTINE, Mr. PERKINS, Mr. NAGLE, Mr. BROWDER, Mr. BACCHUS, and Mr. GILCHREST):

H.R. 3065. A bill to authorize the National Science Foundation's environmental protection, management, and assessment activities in the Antarctic, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Energy and Commerce, and Merchant Marine and Fisheries.

By Mr. LEWIS of California (for himself (by request), Mr. THOMAS of California, Mr. MCCANDLESS, and Mr. HUNTER):

H.R. 3066. A bill to designate certain lands in the State of California as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCCANDLESS:

H.R. 3067. A bill to amend title 18, United States Code, to clarify the maximum fine for the offense of selling military decorations or medals, and to clarify that trades are included as sales; to the Committee on the Judiciary.

By Mr. MCEWEN:

H.R. 3068. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 3069. A bill to amend title 10, United States Code, to provide that former prisoners of war who have service-connected disabilities rated less than 100 percent disabling, but not less than 50 percent disabling, shall be entitled to military commissary and exchange privileges in the same manner as veterans with service-connected disabilities rated as 100 percent disabling; to the Committee on Armed Services.

By Mr. STARK:

H.R. 3070. A bill to amend title XVIII of the Social Security Act to correct the method of payment for physicians' services with respect to the adjustment for asymmetry in the transition and the behavioral offset; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 3071. A bill to recognize and grant a Federal charter to the Military Order of the World Wars; to the Committee on the Judiciary.

H.R. 3072. A bill to amend title 38, United States Code, to increase the limitation on the maximum amount of the estate of certain veterans without dependents who are receiving hospital treatment or institutional or domiciliary care from the United States before disability compensation, pension, and certain other benefits are suspended; to the Committee on Veterans' Affairs.

H.R. 3073. A bill to amend title 38, United States Code, to provide, upon the death of a veteran who is receiving periodic monetary benefits from the Department of Veterans Affairs, for the payment of all accrued benefits of that veteran to the veteran's spouse or dependent children, rather than only benefits due and unpaid for a period not to exceed 1 year; to the Committee on Veterans' Affairs.

H.R. 3074. A bill to amend title 38, United States Code, to provide for the payment of additional compensation at the so-called K rate to a veteran with a service-connected disability who has suffered the loss or loss of one lung or one kidney; to the Committee on Veterans' Affairs.

H.R. 3075. A bill to amend title 38, United States Code, to provide that a veteran entitled to inpatient care from the Department of Veterans Affairs shall also be entitled to the provision of nursing home care from that Department; to the Committee on Veterans' Affairs.

H.R. 3076. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish contract hospital care to veterans with service-connected disabilities in cases not now permitted by law; to the Committee on Veterans' Affairs.

H.R. 3077. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide appropriate nonmedical support services to veterans entitled to outpatient or ambulatory care; to the Committee on Veterans' Affairs.

By Mr. REED (for himself and Mrs. MINK):

H.R. 3078. A bill to amend the Higher Education Act of 1965 to exclude the value of personal residences and family farms from the calculation of expected family contributions for student aid programs; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 3079. A bill to establish the Great Falls Historic District Commission for the preservation and redevelopment of the Great Falls National Historic District in Paterson, NJ; to the Committee on Interior and Insular Affairs.

By Mr. SISISKY:

H.R. 3080. A bill to amend title VII to authorize funds for the construction of a regional fine arts center and a child development complex at Saint Paul's College in Lawrenceville, VA; to the Committee on Education and Labor.

By Mr. SLATTERY (for himself and Mr. GLICKMAN):

H.R. 3081. A bill to amend section 210 of the Energy Reorganization Act of 1974 to provide protection against discrimination for certain employees, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SNOWE (for herself and Mr. BRUCE):

H.R. 3082. A bill to amend the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to reauthorize the act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan (for himself and Mr. COLEMAN of Missouri):

H.R. 3083. A bill to amend the Higher Education Act of 1965 to ensure the continued safety and soundness of the Student Loan Marketing Association, and for other purposes; to the Committee on Education and Labor.

By Mr. DANNEMEYER:

H.R. 3084. A bill to amend the Internal Revenue Code of 1986 to encourage the purchase of health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. MCEWEN:

H. Con. Res. 190. Concurrent resolution concerning humanitarian assistance to Iraq; to the Committee on Foreign Affairs.

By Mr. ASPIN (for himself, Mrs. SCHROEDER, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. ANDREWS of New Jersey, Mr. FOGLIETTA, Mr. MCCLOSKEY, Mr. BROWDER, Mr. TAYLOR of Mississippi, Mr. BONIOR, Mr. REED, Mr. EVANS, Mr. GEREN of Texas, Mr. SISISKY, Mrs. BOXER, Mr. MAVROULES, Mr. FRANK of Massachusetts, Mr. DORGAN of North Dakota, Mr. BRYANT, Mr. TALLON, Mr. ATKINS, Mr. PANETTA, Mr. WELDON, Mr. RAVENEL, Mr. SWIFT, and Mr. DURBIN):

H.J. Res. 313. Joint resolution to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States; to the Committee on Armed Services.

By Mr. MCEWEN:

H.J. Res. 314. Joint resolution designating the week beginning August 18, 1991, as "National American Saddlebred Horse Week"; to the Committee on Post Office and Civil Service.

By Mr. WEBER (for himself, Mr. ARMEY, Mr. BAKER, Mr. BALLENGER, Mr. BROOMFIELD, Mr. BURTON of Indiana, Mr. CRANE, Mr. CLINGER, Mr. COX of California, Mr. DELAY, Mr. DICKINSON, Mr. DORNAN of California, Mr. DREIER of California, Mr. GEKAS, Mr. GILCHREST, Mr. GINGRICH, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HASTERT, Mr. HUNTER, Mr. HYDE, Mr. IRELAND, Mr. LENT, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MICHEL, Mr. MOORHEAD, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SKEEN, Mr. SLAUGHTER of Virginia, Mr. VANDER JAGT, and Mr. ZELIFF):

H.J. Res. 315. Joint resolution recognizing the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1991; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

By Mr. MCEWEN (for himself and Mr. BURTON of Indiana):

H. Res. 207. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR:

H.R. 3085. A bill for the relief of Mary F. Derocher; to the Committee on the Judiciary.

By Mr. DAVIS:

H.R. 3086. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. COLEMAN of Missouri and Mr. MORRISON.

H.R. 288: Mrs. ROUKEMA, Mr. WOLF, Mr. KOSTMAYER, Mr. SIKORSKI, Mr. GILMAN, Mr. EVANS, Mr. FORD of Tennessee, Mr. LIPINSKI, Mr. OBERSTAR, Mr. FUSTER, Mr. SHAYS, Mr. FEIGHAN, Mr. RANGEL, Mr. ACKERMAN, and Mr. BRUCE.

H.R. 418: Mr. BILIRAKIS, Mr. RAVENEL, Mr. RANGEL, Mrs. LLOYD, Mr. DE LA GARZA, and Mr. HOUGHTON.

H.R. 461: Mr. ZIMMER, Mr. PENNY, and Mr. BACCHUS.

H.R. 670: Mr. SMITH of New Jersey, Mr. FORD of Tennessee, Mr. ZELIFF, and Mr. OLIN.

H.R. 786: Mr. SMITH of New Jersey.

H.R. 999: Mr. SYNAR.

H.R. 1022: Mr. WILLIAMS and Mr. ATKINS.

H.R. 1084: Mr. ATKINS.

H.R. 1130: Mr. MINETA and Mr. HAYES of Louisiana.

H.R. 1147: Mr. HUTTO, Mr. ROEMER, Mr. CRANE, and Mr. MANTON.

H.R. 1155: Mr. RHODES, Mr. DARDEN, Mr. UPTON, and Mr. PETERSON of Florida.

H.R. 1240: Mr. KLECZKA.

H.R. 1414: Mr. JOHNSON of Texas.

H.R. 1445: Mr. EMERSON.

H.R. 1472: Mr. STEARNS, Mr. LUKEN, and Mr. EDWARDS of Oklahoma.

H.R. 1473: Mr. RITTER and Mr. FLAKE.

H.R. 1527: Mr. DIXON, Mrs. BYRON, Ms. HORN, and Mr. TRAFICANT.

H.R. 1554: Mr. OBEY.

H.R. 1559: Mr. ATKINS.

H.R. 1664: Mr. ROYBAL, Mr. PENNY, Mr. TAYLOR of Mississippi, Mr. BRYANT, Mr. KOSTMAYER, Mr. ECKART, Mr. RANGEL, and Mr. FROST.

H.R. 1696: Mr. ECKART.

H.R. 1703: Mr. ATKINS.

H.R. 1722: Mr. LEVINE of California.

H.R. 1860: Mr. NEAL of North Carolina.

H.R. 2126: Mr. RANGEL and Ms. NORTON.

H.R. 2258: Mr. BILBRAY and Mr. EDWARDS of California.

H.R. 2287: Mr. ATKINS.

H.R. 2309: Mr. ESPY, Mr. EVANS, Mr. MONTGOMERY, Mr. PETERSON of Minnesota, Mr. RAVENEL, Mr. TOWNS, and Mr. TRAFICANT.

H.R. 2327: Mr. ARCHER, Mr. LENT, Mrs. UNSOELD, Mr. TOWNS, Mr. SMITH of Oregon, Mr. LEWIS of Georgia, Mr. WILSON, Mr. JONES of North Carolina, Mr. HOBSON, Mr. WYLIE, Mr. GINGRICH, Mr. DREIER of California, Mr. SAXTON, Mr. THOMAS of Wyoming, Mr. THOMAS of Georgia, Mr. BARNARD, Mr. VOLKMER, Mr. PORTER, Mr. BLILEY, and Mr. VALENTINE.

H.R. 2336: Mr. SKEEN, Mr. EVANS, Mr. DUNCAN, Mr. HANCOCK, Mr. SCHIFF, Mr. GEREN of Texas, and Mr. CLINGER.

H.R. 2385: Ms. NORTON, Mr. SKEEN, Mr. BURTON of Indiana, Mr. JEFFERSON, Mr. ESPY, Mr. GORDON, Mr. APPLEGATE, and Mr. CLEMENT.

H.R. 2470: Mr. GOODLING.

H.R. 2511: Mr. ZELIFF and Mr. BRUCE.

H.R. 2553: Mr. JAMES, Mr. ARMEY, Mr. RINALDO, and Mrs. MEYERS of Kansas.

H.R. 2643: Mr. SOLOMON and Mr. STEARNS.

H.R. 2645: Mr. ENGEL.

H.R. 2689: Mr. HEFLEY and Mr. ARMEY.

H.R. 2693: Mr. QUILLEN and Mr. FAWELL.

H.R. 2716: Mr. GALLO and Mr. INHOFE.

H.R. 2724: Mr. ZIMMER.

H.R. 2746: Mr. TOWNS, Mr. GILMAN, Mr. OWENS of New York, and Mr. EVANS.

H.R. 2756: Mr. WOLF.

H.R. 2774: Mr. KILDEE, Ms. KAPTUR, Mr. WILSON, Mr. BRYANT, Mr. TOWNS, Mr. FROST, Mr. SERRANO, Mr. FOGLIETTA, Mr. ROYBAL, Mr. DELLUMS, Mr. DE LA GARZA, Ms. NORTON, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, and Mr. DONNELLY.

H.R. 2784: Mr. TOWNS, Mr. BERMAN, Ms. KAPTUR, Mr. RANGEL, Mr. HAYES of Illinois, and Mr. GEJDENSON.

H.R. 2801: Mr. DE LA GARZA, Mr. GUARINI, Mr. SHAYS, Mr. RANGEL, Mr. ROWLAND, Mr. SWIFT, Mr. SCHAEFER, Mrs. COLLINS of Illinois, Mr. GORDON, Mr. HARRIS, Mr. EVANS, Mr. APPLEGATE, Mr. RITTER, Mr. PURSELL, Mr. FRANKS of Connecticut, Mr. EMERSON, Mr. PAYNE of New Jersey, Mr. BATEMAN, Mrs. KENNELLY, Mr. ARCHER, Mr. TANNER, Mr. FIELDS, Mr. HENRY, Mr. FAWELL, Mr. FORD of Michigan, and Mr. WILSON.

H.R. 2830: Mr. DOOLEY and Mr. GORDON.

H.R. 2867: Mr. SMITH of Texas.

H.R. 2879: Mr. ESPY.

H.R. 2895: Mr. ANDREWS of Texas.

H.R. 2924: Mrs. BOXER, Mr. COLEMAN of Texas, Mr. EVANS, Mr. JEFFERSON, Ms. KAPTUR, Ms. NORTON, and Mr. WYDEN.

H.R. 2946: Mr. GILCHREST, Mr. KASICH, Mr. LAFALCE, Mr. LEVINE of California, Mr. RIGGS, Mr. STARK, and Mr. WISE.

H.R. 2975: Mr. WASHINGTON and Mr. KOSTMAYER.

H.J. Res. 67: Ms. HORN, Mr. APPLEGATE, Mr. SAWYER, Mr. MCHUGH, Mr. TAYLOR of Mississippi, and Mr. DARDEN.

H.J. Res. 142: Mr. APPLEGATE, Mr. CAMP, Mr. COX of California, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. DUNCAN, Mr. GILCHREST, Mr. HANSEN, Mr. HEFLEY, Mr. HERGER, Mr. INHOFE, Mr. IRELAND, Mr. JAMES, Mr. LEACH, Mr. LENT, Mr. LEWIS of California, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. MACHTLEY, Mr. MARKEY, Mr. MILLER of Ohio, Mrs. MORELLA, Mr. NICHOLS, Mr. OBERSTAR, Mr. OXLEY, Mr. PACKARD, Mr. PANETTA, Mr. RIGGS, Mr. ROHRABACHER, Mr. SAXTON, Mr. SCHIFF, Mr. SCHULZE, Ms. SNOWE, Mr. SOLOMON, Mr. STUMP, Mr. THOMAS of California, Mr. ZELIFF, and Mr. ZIMMER.

H.J. Res. 196: Mr. EMERSON, Mr. SLATTERY, and Mr. HUBBARD.

H.J. Res. 284: Mrs. BOXER, Mr. NEAL of Massachusetts, Mr. DWYER of New Jersey, Mr. MARTINEZ, Mr. DARDEN, Mr. JONES of North Carolina, Mr. LANCASTER, and Mr. KOSTMAYER.

H.J. Res. 294: Mr. GUNDERSON, Mr. MCEWEN, Mr. ESPY, Mr. YOUNG of Florida, and Mr. OWENS of New York.

H. Con. Res. 171: Mr. WOLF, Mr. DEFAZIO, Mr. ENGEL, Mr. GALLO, Ms. PELOSI, and Mr. MANTON.

H. Con. Res. 184: Mr. TOWNS, Mr. COSTELLO, Mr. BRUCE, and Mr. DURBIN.

H. Res. 152: Mr. ZELIFF, and Mrs. MEYERS of Kansas.

H. Res. 167: Mr. ZELIFF, Mrs. MEYERS of Kansas, and Mr. SANDERS.

H. Res. 184: Mr. FROST, Mr. BLAZ, Mr. REGULA, Mr. POSHARD, Mr. SCHEUER, Mr. WISE, Mr. LAGOMARSINO, Mr. WALSH, and Mr. STUMP.